



REMOTE STORAGE



LIBRARY  
OF THE  
UNIVERSITY  
OF ILLINOIS


328.7711

Ch3s

1838



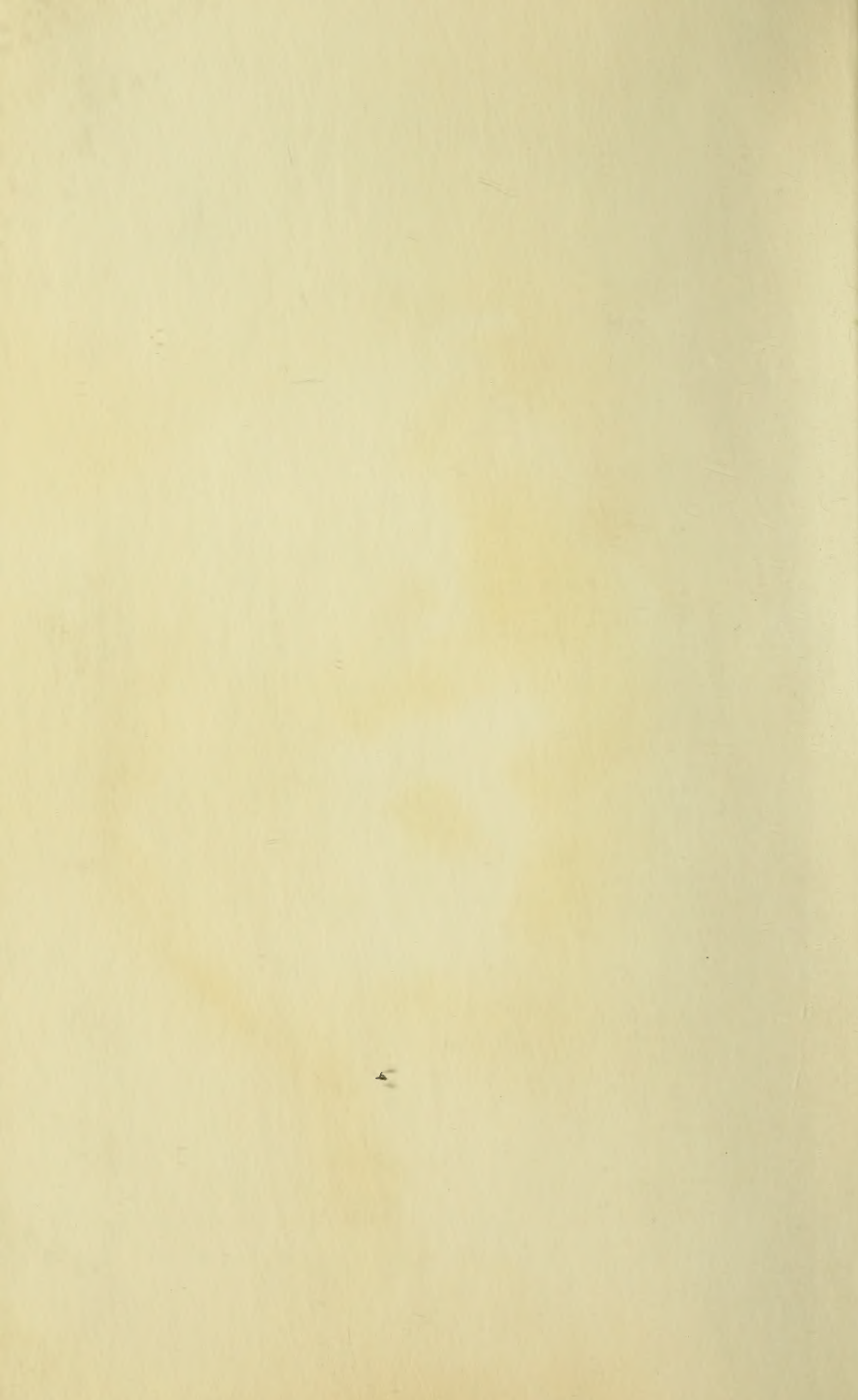




Digitized by the Internet Archive  
in 2013







**JOURNAL**  
**OF THE**  
**SENATE OF OHIO,**

**AT THE FIRST SESSION OF THE**  
**THIRTY-SEVENTH GENERAL ASSEMBLY,**

**HELD IN THE CITY OF COLUMBUS, AND COMMENCING**

**MONDAY, DECEMBER 3, 1838.**

**AND IN THE THIRTY-SEVENTH YEAR OF SAID STATE.**

---

**COLUMBUS:**

**SAMUEL MEDARY, PRINTER TO THE STATE.**

**1838.**





328.7711  
Oh 35  
1838

REMOTE STORAGE

JOURNAL OF THE SENATE.

MONDAY, DECEMBER 3, 1838.

At a meeting of the members of the Senate at the first session of the thirty-seventh General Assembly of the State of Ohio, convened at the City of Columbus, on Monday the 3d, being the first Monday of December, A. D. 1838—

The following members, qualified at the last session, appeared and took their seats, viz:

*From the counties of*

CUYAHOGA—Simon Fuller.

GEAUGA & ASHTABULA—Benjamin F. Wade.

CARROLL & COLUMBIANA—James Thompson.

RICHLAND—William McLaughlin.

JEFFERSON—Samuel Stokely.

BELMONT—Thomas Shannon.

MUSKINGUM—Samuel J. Cox.

PERRY, MORGAN & WASHINGTON—William Hawkins.

PICKAWAY & FRANKLIN—John L. Green.

ROSS, PIKE & JACKSON—

ATHENS, MEIGS, LAWRENCE & GALLIA—James Rogers.

SCIOTO, ADAMS & BROWN—Charles White.

CLERMONT—Dowty Utter.

HIGHLAND & CLINTON—Isaiah Morris.

CLARK, LOGAN & CHAMPAIGN—John H. James.

HAMILTON—William Oliver.

The following members also appeared, produced certificates of their election, and being duly qualified by taking the oath prescribed by the Constitution of the State of Ohio, took their seats in the Senate, viz:

*From the counties of*

MEDINA & LORAIN—Heman Birch.

HURON—Josiah Tracy.

TRUMBULL—David Tod.

PORTAGE—Gregory Powers.

WAYNE—Jacob Ihrig.

KNOX, COSHOCTON & HOLMES—James Mathews.

TUSCARAWAS & HARRISON—John Brady.

LICKING—Richard Stadden.

FAIRFIELD & HOCKING—Samuel Spangler.

HAMILTON—George W. Holmes.

WARREN—George J. Smith.

BUTLER & PREBLE—John Saylor.

FAYETTE, MADISON & GREEN—Aaron Harlan.

STARK—Jacob Hostetter.

MIAMI, DARKE & MERCER—William I. Thomas.

MARION, DELAWARE, CRAWFORD & UNION—Benjamin F. Allen.

SENECA & SANDUSKY—William B. Craighill.

WOOD, LUCAS & WILLIAMS—Curtis Bates.

MONTGOMERY—Henry Shideler.

A quorum being present, the members proceeded to the election of a Speaker, *pro tempore*; when, upon counting the ballots, there appeared for

William Hawkins,.....	19 votes.
George J. Smith,.....	13 “
Blanks and Scattering,.....	3 “

William Hawkins having received a majority of all the votes given, was declared duly elected Speaker of the Senate, *pro tempore*, and having been conducted to the Chair by Messrs. Green and Smith, made an appropriate address upon assuming the duties of the office, and called the Senate to order.

The Senate next proceeded to the election of a Clerk, to serve *pro tempore*; when, upon counting the ballots, there appeared for

Caleb J. McNulty,.....	18 votes.
John R. Osborn,.....	13 “
Blanks and scattering,.....	3 “

Caleb J. McNulty having received a majority of all the votes, was declared by the Speaker to be duly elected Clerk *pro tempore* of the Senate, and having taken the oath of office, proceeded to the discharge of his duties.

The Senate then proceeded to the election of a Door Keeper and Sergeant-at-Arms, *pro tempore*; when, upon counting the ballots, there appeared to be for

Thomas W. Mansfield,.....	19 votes.
Alexander Delorac,.....	10 “
John Cook,.....	5 “
Blank,.....	1 “

Thomas W. Mansfield, having received a majority of all the votes given, was by the Speaker declared to be duly elected Door Keeper and Sergeant-at-Arms, *pro tempore*, and having taken the oath of office, proceeded to the discharge of his duties.

On motion of Mr. Spangler, the following resolution was adopted, viz:

*Resolved*, That the standing rules of the last session be adopted for the government of the Senate until others are prepared and adopted.

Mr. McLaughlin presented a petition from sundry citizens of the coun-



ty of Richland, praying the passage of an act to change the name of the town of Plymouth, in the county of Richland, to Richland—referred to Mr. McLaughlin.

On motion of Mr. Walton,

*Resolved*, That a message be sent to the House of Representatives, informing them that a quorum being present, the Senate has organized by electing William Hawkins, Esq., Speaker *pro tempore*, Caleb J. McNulty, Esqr., Clerk *pro tempore*, and Thomas W. Mansfield, Door Keeper and Sergeant-at-Arms *pro tempore*, and is now ready to proceed to business.

The Speaker announced Messrs. Bates, Thomas and Thompson, a committee on Privileges and Elections.

On motion of Mr. Spangler,

*Ordered*, That the certificates of election be referred to the committee on Privileges and Elections.

Message from the House of Representatives.

Mr. Speaker:

The House has organized by electing James J. Faran, Esq., Speaker *pro. tem.*, Wm. H. Blodget, Clerk *pro. tem.*, and B. M. Elkins Door-keeper and Sergeant-at-Arms *pro. tem.*

W. H. BLODGET, Clerk, *pro. tem.*

Mr. Smith offered for adoption, the following resolution, viz :

*Resolved*, That a committee of two members on the part of the Senate, and members on the part of the House, be appointed to wait on his Excellency, the Governor, and inform him that both branches of the General Assembly have met and organized, and are now ready to receive any communication which he may be pleased to make.

Mr. James moved to amend the same, by striking out the words, "his Excellency," where they occur in the resolution; on which question Mr. McLaughlin called for the yeas and nays, which stood as follows, viz—Yeas 18—Nays 17.

*Yeas*—Messrs. Brady, Cox, Fuller, Ihrig, James, Mathews, Morris, Oliver, Powers, Rodgers, Stokely, Saylor, Thompson, Tod, Thomas, Tracy, Wade, and White—18

*Nays*—Messrs. Ailen, Bates, Birch, Craighill, Green, Harlan, Holmes, Hostetter, McLaughlin, Smith, Shannon, Spangler, Shideler, Stadden, Utter, Walton, and Speaker—17.

The resolution as amended was agreed to.

*Ordered* to the House for concurrence.

Mr. Smith offered for adoption the following resolution, which was amended and agreed to as follows :

*Resolved by the General Assembly of the State of Ohio*, That Alexander Delorac, late Sergeant-at-Arms and Doorkeeper of the Senate, be allowed the sum of twenty-five dollars for his services in preparing the Senate chamber for the reception of the members at the present session; and that provision be made by law for the payment of the same.

*Ordered* to the House for concurrence.

Message from the House of Representatives.



Mr. Speaker:

The House has adopted a joint resolution appointing a joint committee to wait on his Excellency the Governor, to inform him that both branches of the General Assembly are organized and ready to receive any communication he may see proper to make; to which they request the concurrence of the Senate.

The House has also passed a resolution adopting the joint rules of the last session, until others are adopted.

The House has also passed a joint resolution allowing compensation to John Cook, for preparing the hall of the House of Representatives for its present session; to which the concurrence of the Senate is asked.

Attest,

W. H. BLODGET, *Clerk pro. tem.*

On motion, the resolution from the House adopting the joint rules of the last session was taken up and agreed to.

On motion, the resolutions from the House for payment of John Cook, and for the appointment of a committee to wait upon the Governor, were taken up, amended and agreed to.

Ordered, that the House be informed thereof, and its concurrence in the amendments requested.

On motion of Mr. Thompson, it was

*Resolved*, That James Ferguson be admitted within the bar of the Senate, as reporter for the Ohio Statesman.

On motion of Mr. Green, it was

*Resolved*, That Otway Curry be admitted within the bar of the Senate, as reporter for the Ohio State Journal and Political Register.

Message from the House of Representatives.

Mr. Speaker:

The House has adopted the resolution appointing the joint committee to wait on the Governor, with one amendment; to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk pro. tem.*

On motion of Mr. Smith,

The resolution and amendment were laid on the table.

The Speaker announced Messrs. Smith and Walton, as members on the part of the Senate, of the joint committee to wait upon the Governor.

Ordered, that the House be informed thereof.

Mr. Thompson offered the following resolution, which was agreed to :

*Resolved*, That when the Senate hereafter adjourns, it will adjourn to meet at 10 o'clock, A. M., and when it takes its recess it will meet at 3 o'clock P. M., until otherwise ordered.

On motion of Mr. McLaughlin,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk pro. tem.*

TUESDAY, DECEMBER 4, 1836.

The Senate met pursuant to adjournment.

Mr. McLaughlin presented a petition from Hugh Murray, of the county of Richland, for a divorce from his wife Margaret Murray; which was laid upon the table.

Mr. McLaughlin presented a petition from citizens of the counties of Richland and Wayne, praying the passage of an act establishing a State road through parts of the same counties—referred to Messrs. McLaughlin and Ihrig.

Mr. Morris, on leave, presented a petition from citizens of the township of Wilmington, in Clinton county, praying the passage of an act amending the act incorporating said town—referred to Mr. Morris.

Mr. Saylor presented a petition from sundry citizens of the county of Preble, praying the passage of an act incorporating the Winchester Fire Association in said county—referred to Mr. Saylor.

Mr. Smith presented a petition from sundry citizens of the State, praying the establishment of an infirmary for persons afflicted with diseases of the eye—laid upon the table.

Mr. Bates presented a petition from sundry citizens of the State, praying the the establishment of a new Judicial Circuit, to be composed of the counties of Hancock, Hardin, Allen, Putnam, Vanwert, Paulding, Williams and Henry—laid upon the table.

Mr. Allen, presented a petition from citizens of the counties of Union, Delaware and Franklin, praying the establishment of a State road through said counties—referred to Messrs. Allen and Green.

Mr. Smith presented a petition from citizens of the fourth original surveyed township on the second entire range, in Warren county, praying the passage of an act authorizing the reduction of the rents of section twenty-nine in said township—referred to Mr. Smith.

Mr. Powers presented petitions from citizens of the county of Portage, praying the erection of a new county out of parts of the counties of Portage, Medina, Wayne and Stark, making Akron the county seat—laid upon the table.

Mr. Smith, from the joint committee appointed to wait on his excellency the Governor, reported to the Senate that the committee had performed that duty, and that the Governor requested them to inform their respective Houses that he would make a communication in writing to each branch of the General Assembly, on this day at the hour of eleven o'clock, A. M.

Message from the House of Representatives.

Mr. Speaker:

The House has appointed Messrs. Brough and Chambers, a committee on their part to wait on the Governor.

Attest,

W. H. BLODGET, *Clerk, pro tem.*

On motion of Mr. Walton, it was

*Resolved*, That a committee of three members be appointed, to pre-

pare and report rules for the government of the Senate during the present session.

The Chair announced Messrs. Walton, Green and Spangler, said committee.

Mr. Walton offered the following resolution, which was agreed to, viz:

*Resolved by the Senate and House of Representatives,* That a joint committee of five members on the part of the Senate, and members on the part of the House, be appointed to inquire what amendments are necessary to the act regulating the time of holding the judicial courts, with leave to report by bill or otherwise.

Ordered to the House for concurrence.

Mr. Bates gave notice, that on to-morrow or some subsequent day of the present session, he should ask leave to introduce a bill to authorize the holding of the courts of common pleas and supreme court for the county of Vanwert at the county seat thereof.

Also, that on to-morrow or some subsequent day of the present session, he should ask leave to introduce a bill to authorize the respective Auditors of the counties of Lucas, Hardin and Williams, to obtain from the several Land offices in the State of Michigan, at which the same may have been entered, a copy of the entry of all lands, and the time of the entry thereof, lying in the State of Ohio, and north of Sullivan's line, and to authorize the said Auditors to place said lands lying in their respective counties, upon their duplicates for taxation when the same may by law become taxable.

Mr. Green moved the adoption of the following resolution, viz:

*Resolved,* That the Sergeant-at-Arms of the Senate, be directed to call upon the Secretary of State and procure for the use of each member of the Senate, one copy of the laws of a general nature; one copy of the laws and journals of the last session; also, three copies of Chase's Statutes for the use of the Senate.

The message of the Governor was received by the hand of William Doherty, Esq., his private Secretary, read and laid on the table.

[See Vol. of Documents, No. 1.]

Message from the House of Representatives:

Mr. Speaker:

The following bills have been reported to the House, viz:

A bill further to amend the act, entitled "An act to incorporate the Zanesville and Maysville Turnpike Road Company," passed March 7th, 1836;

A bill to incorporate the Particular Baptist Church of Granville, in the county of Licking;

A bill for authorizing the county commissioners of Muskingum county, to subscribe to the capital stock of any turnpike road company or turnpike road companies, when said road or roads shall enter into or pass through any part of said county;

A bill to incorporate the Newark Bridge Company;

A bill to amend the act creating the office of county surveyor and defining his duties;

A bill to amend the act to incorporate the South Toll Bridge Com



pany at the town of Athens, in Athens county, passed March 14th, 1833.

The House have passed the following resolution, to which the concurrence of the Senate is requested, viz:

*Resolved, by the Senate and House of Representatives,* That a joint select committee of three members on the part of the House, and — members on the part of the Senate, be appointed to inquire what laws (if any,) of a general nature require a revision, and that said committee report the result of its deliberations as soon as practicable.

The House have passed a resolution authorizing the printing of seven thousand copies of the Governor's message in the English language, and two thousand in the German, to which the concurrence of the Senate is requested.

The House has agreed to the amendments of the Senate, to the resolution of the House making compensation to John Cook.

The House has also agreed to the resolution of the Senate making compensation to Alexander Delorac.

Attest,

W. H. BLODGET, *Clerk, pro tem.*

On motion,

The resolution from the House in relation to the revision of the general laws, was amended and agreed to.

On motion,

The resolution from the House in relation to the printing of the Governor's message was taken up.

Mr. Spangler moved to amend the same by striking out 7000, and inserting 8000 copies, 3000 of which to be printed in the German language.

Mr. Saylor called for a division, so the question turned on striking out, which was agreed to.

The question then recurred on filling the blank with 8000, which was taken, and lost.

On motion of Mr. James,

The blank was then filled with 6000.

Mr. Spangler further moved to amend the resolution by striking out 2000, and inserting 3000 as the number of copies to be printed in the German language, upon which question he called for the yeas and nays, which were ordered, when the question was taken and carried, yeas 18, nays 14, as follows:

Yeas—Messrs. Allen, Brady, Hostetter, Ihrig, James, Mathews, McLaughlin, Oliver, Powers, Stokely, Spangler, Saylor, Shideler, Stadden, Tod, Tracy, Wade, White and Speaker—18.

Nays—Messrs. Bates, Cox, Craighill, Fuller, Green, Harlan, Holmes, Morris, Rodgers, Smith, Thompson, Thomas, Utter and Walton—14.

The resolution as amended was then agreed to.

Ordered that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the resolution of the Senate, appointing a

joint select committee to inquire what amendments are necessary to the act regulating the time of holding Judicial Courts, with one amendment, to which they ask the concurrence of the Senate.

Attest,

W. H. BLODGET, *Clerk, pro tem.*

The amendment of the House was agreed to, and thereupon the Speaker announced Messrs. Walton, Bates, Stokely, James and Spangler, said committee on part of the Senate.

Ordered that the House be informed thereof.

Mr. Thomas gave notice that on to-morrow or on some subsequent day of the present session, he would ask leave to introduce a bill for the relief of Demas Adams.

Mr. Green gave notice that on to-morrow or some subsequent day of the present session, he should ask leave to introduce a bill to revive and amend the act, entitled "An act to incorporate the Circleville and Washington Turnpike Company."

On motion of Mr. Smith,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk, pro tem.*

---

WEDNESDAY, DECEMBER 5, 1838.

The Senate met pursuant to adjournment.

Mr. Bates presented a petition from citizens of the State, praying the establishment of a new judicial circuit, to be composed of the counties of Williams, Henry, Putnam, Vanwert, Paulding, Allen, Hardin and Hancock; which was laid on the table.

Mr. McLaughlin, from the select committee on that subject, reported a bill to lay out and establish a State road in the counties of Richland and Wayne; which was read the first time.

Mr. Thomas, pursuant to previous notice, asked and obtained leave to introduce a bill for the relief of Demas Adams; which was read the first time.

Mr. Bates, pursuant to previous notice, asked and obtained leave to introduce a bill to authorize the Courts for the county of Vanwert to be held at the county seat thereof; which was read the first time.

Mr. Saylor offered the following resolution; which was agreed to, and ordered to the House for concurrence, viz:

*Resolved by the Senate and House of Representatives, That both branches of this General Assembly will meet in the Hall of the House of Representatives, on Friday next, at three o'clock P. M. for the purpose of opening and publishing the abstract of votes for Governor, received by the Speaker of the Senate, in conformity with the second section of the second article of the Constitution of this State.*

Mr. Harlan gave notice that on to-morrow, or on some subsequent day of the present session, he should ask leave to introduce a bill to incorporate the Biglow High School of Xenia.

The Speaker announced the following standing committees. viz:

*On the Judiciary*—Messrs. Walton, Smith, and Tod.

*On Finance*—Messrs. Spangler, James, and Shannon.

*On Claims*—Messrs. Utter, Tracy, and Thompson.

*On Canals*—Messrs. Mathews, Powers, and Shideler.

*On Rail roads and Turnpikes*—Messrs. Saylor, Morris, and Craig-hill.

*On Roads and Highways*—Messrs. Ihrig, Birch, and White.

*On Schools and School Lands*—Messrs. Fuller, Harlan, and Wade.

*On New Counties*—Messrs. Allen, Thomas, and Shannon.

*On Military Affairs*—Messrs. McLaughlin, Stokely, and Brady.

*On Medical Colleges and Societies*—Messrs. Green, Oliver, and Rodgers.

*On Colleges and Universities*—Messrs. Stokely, Powers, and Van meter.

*On Agriculture, Commerce and Manufactures*—Messrs. Oliver, Morris, and Hostetter.

*On the Penitentiary*—Messrs. Stadden, Vanmeter, and Saylor.

*On the Library*—Messrs. Holmes, Green, and Cox.

*On Public Lands*—Messrs. Bates, James, and McLaughlin.

*On Currency*—Messrs. Tod, Smith, and Holmes.

*On Public Buildings*—Messrs. Thompson, Powers, and Rodgers.

On motion of Mr. Smith,

The memorial in relation to the establishment of an eye infirmary, for persons afflicted with diseases in the eye, was taken up and referred to the committee on public buildings.

On motion of Mr. McLaughlin,

The memorial of Hugh Murray, praying for a divorce from his wife Margaret Murray, was taken up and referred to the committee on the judiciary.

Mr. McLaughlin offered the following, which was laid on the table viz:

*Resolved by the General Assembly of the State of Ohio, That the Secretary of State be, and he is hereby directed to employ a suitable person to translate into the German language, the message of the Governor, and on the same being translated, forthwith notify the State Printer.*

Mr. Thompson gave notice, that on to-morrow or some subsequent day of the present session, he should ask leave to introduce a bill to amend the act entitled, an act to abolish imprisonment for debt, passed March 19th, 1838.

The chair presented the annual report of the Treasurer of State, which was laid upon the table.

A Message from the House of Representatives.

Mr. Speaker:

The following bill has been reported to the House, and read the first time, to wit:

A bill to attach a part of the county of Jackson to the county of Ross.

The House have agreed to the amendments of the Senate to the



resolution of the House appointing a committee to revise the laws of a general nature.

The House have disagreed to the first amendment of the Senate, to the resolution of the House, in relation to the printing of the Governor's Message—and have agreed to the second.

The House has permanently organized by electing James J. Faran, Esq. Speaker, William H. Blodget, Clerk, and Burget M. Elkins, Sergeant-at-Arms and Door Keeper, to serve during the present session.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Spangler,

The Senate receded from its first amendment to the resolution of the House, in relation to the printing of the Governor's Message.

Ordered that the House be informed thereof.

On motion of Mr. McLaughlin,

The resolution in relation to the printing of the Governor's Message in German was taken up; when

Mr. McLaughlin asked and obtained leave to withdraw the same.

Mr. McLaughlin offered the following resolution, which was agreed to, viz:

*Resolved by the General Assembly of the State of Ohio, That the State Printer be, and he is hereby directed forthwith to employ a suitable person at a fair compensation, to translate the Governor's Message into the German language, and cause the same to be printed without delay.*

Ordered to the House for concurrence.

On motion of Mr. Bates,

The memorials in relation to the establishment of a new judicial circuit were taken up and referred to the committee on the Judiciary.

On motion of Mr. Powers,

The memorials of citizens of Portage county, in relation to the erection of a new county were taken up, when the same were referred to the committee on New Counties.

The Speaker presented the Annual Report of the Auditor of State, which was laid upon the table.

A message from the House of Representatives.

Mr. Speaker:

The House has agreed to the resolution of the Senate, appointing Friday next for the purpose of opening and publishing an abstract of votes received for Governor.

The House has appointed Messrs. Lowe, Lloyd, Hunt, Donally, Buchanan, Gamble, and Johnson of Stark, a committee on the part of the House on the joint committee of the Senate, to regulate the times of holding the judicial courts.

Attest,

W. H. BLODGET, *Clerk.*

Mr. Tracy gave notice that on to-morrow or some subsequent day of the present session, he should ask leave to introduce a bill to incorporate the First Presbyterian Church in Huron county.

The Speaker presented the Annual Report of the Secretary of State; which was laid upon the table.

On motion of Mr. Bates, it was

*Resolved*, That the standing committee on the Judiciary be instructed to inquire what additions and alterations are necessary in the judicial circuits of this State, with leave to report by bill or otherwise.

On motion of Mr. McLaughlin,

The Senate adjourned.

Attest,

C. J. M'NULTY, *Clerk pro tem.*

THURSDAY, DECEMBER 6, 1838.

The Senate met pursuant to adjournment.

Mr. Smith presented the petition of Urias Keeler, and Phebe Keeler, praying for the divorce of said Phebe Keeler, otherwise called Phebe Dunbar, from her husband Ananias Dunbar, and for other purposes; and likewise the prayer of sundry citizens of the State, that said petition may be granted. Referred to the standing committee on the Judiciary.

Mr. Green presented the petition of citizens of Delaware, Union and Franklin counties, for the establishment of a State road through said counties; which was referred to the select committee on that subject.

Mr. Bates presented the petition of citizens of Hancock county, praying for the incorporation of the Hancock County Hydraulic Company; which was referred to Mr. Bates.

Mr. Morris presented a petition from residents of the county of Clinton, Montgomery and Miami, praying the incorporation of the Literary and Botanic Medical College of Ohio; which was referred to the standing committee on medical colleges and societies.

Mr. Hostetter presented a remonstrance from citizens of Stark county, against the erection of the new county to be composed of part of the counties of Portage, Stark, Medina and Wayne; which was referred to the standing committee on new counties.

Mr. Holmes presented the petition of Samuel B. Spear for a divorce from his wife, Lucy D. Spear; which was referred to the standing committee on the Judiciary.

Mr. Harlan presented a petition from citizens of Green county, praying a revaluation and sale of lots No. 1 and 3, in school section 16, in Beaver creek township, in said county; which was referred to the standing committee on schools and school lands.

Mr. Tracy presented a petition from citizens of the county of Huron, praying the erection of a new county, to be called Kenton; which was referred to the committee on new counties.

Mr. Powers presented petitions from citizens of the county of Portage, for the erection of a new county out of parts of the counties of

Portage, Medina, Stark and Wayne; which was referred to the committee on new counties.

Mr. Allen presented the petition of the citizens of McCutchensville, in Crawford county, praying the erection of a new county, to be called Kenton; which was referred to the committee on new counties.

Mr. McLaughlin presented a petition from the citizens of Richland county, praying the erection of a new county, to be called Kenton; which was referred to the committee on new counties.

Mr. Morris, from the select committee on the subject, reported a bill to amend the act entitled "an act to incorporate the town of Wilmington in the county of Clinton;" which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole, and made the order of the day for this day, viz:

A bill (No. 1 S.) to lay out and establish a State road in the counties of Richland and Wayne;

A bill (No. 2 S.) for the relief of Demas Adams;

A bill (No. 3 S.) to authorize the courts for the county of Vanwert to be held at the county seat thereof.

Mr. Saylor offered the following resolution, which was agreed to, viz:

*Resolved*, That the Senate proceed on Saturday. the 8th inst, at 11 o'clock, A. M., to the election of a Speaker, Clerk, and Sergeant-at-arms, for the present session.

On motion of Mr. Shannon, it was

*Resolved*, That a select committee of three be appointed to examine the journals of the last session, and report the unfinished business of the same.

Mr. Harlan, pursuant to previous notice, asked and obtained leave to introduce a bill to incorporate the Bigelow High School of Xenia; which was read the first time.

Mr. Harlan presented the certificate of his election, which was referred to the committee on privileges and elections.

Mr. Tracy, pursuant to previous notice, asked and obtained leave to introduce a bill to incorporate the first Presbyterian Church and Society of Huron; which was read the first time.

On motion of Mr. Bates,

The message of the Governor was taken up, and so much as relates to the abolition of capital punishment, was referred to the standing committee on the Judiciary.

On motion of Mr. Morris,

So much of the same as relates to the connection of the two great leading canals of the State, was referred to the standing committee on canals.

On motion of Mr. Spangler,

So much of the same as relates to common Schools, was referred to the standing committee on that subject.

On motion of Mr. Walton,

So much of the same as relates to banks and the currency, was referred to the standing committee on the currency.



On motion of Mr. Green,

So much of the same as relates to the lunatic asylum, the institution for deaf mutes, and the institution for the blind, was referred to the standing committee on medical colleges and societies.

On motion of Mr. Thomas,

So much of the same as relates to fugitives from justice, was referred to the standing committee on the Judiciary.

On motion of Mr. Thompson,

So much of the same as relates to the militia, was referred to the standing committee on Military Affairs.

On motion of Mr. Fuller,

So much of the same as relates to the revaluation of lands, was referred to the standing committee on Finance.

On motion of Mr. Smith,

So much of the same as relates to the public lands, was referred to the standing committee on that subject.

On motion of Mr. Green, it was

*Resolved*, That in addition to the standing committees already provided for, there shall be appointed by the Speaker a standing committee to consist of three members, to be called the committee on Public Institutions.

The Speaker announced Messrs. Green, Walton and Cox, said committee.

On motion of Mr. Spangler,

So much of the Governor's message as relates to the Penitentiary, was referred to the standing committee on that subject.

On motion of Mr. Rogers,

So much of the same as relates to the continuation of the geological survey of this State, was referred to the standing committee on Finance.

On motion of Mr. Thomas,

So much of the same as relates to usurious interest on money loaned, was referred to the committee on the Judiciary.

The Speaker announced Messrs. Shannon, Wade and Vanmeter, a committee under the resolution to examine the journals of the last session, and report the unfinished business of the same.

Mr. Thompson offered the following resolution, which was agreed to, viz:

*Resolved*, That the standing committee on the Judiciary be requested to inquire what amendments, if any, are necessary to the act relating to information in the nature of *quo warranto*, and regulating the mode of proceeding thereon, passed March 17, 1838, with leave to report by bill or otherwise.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time:

A bill to incorporate the First Congregational and Presbyterian

Church and Society, in the township of Bristol in the county of Trumbull;

A bill to authorize John A. Bishop and James C. Bishop, minors, heirs of James Bishop late of Benton, Geauga county, to make certain contracts;

A bill extending the time of payment for section sixteen in Limon township, Butler county;

A bill to authorize and empower Manasseh Baer, executor of Aaron Baer, deceased, to deed certain lands therein described, to Michael Bowman;

A bill to authorize the town council of the town of Newark to open, lay out and widen certain streets and alleys in said town;

A bill to provide for the preservation and safe keeping of the journals of the General Assembly;

A bill to lay out a state road in the counties of Licking, Muskingum and Coshocton;

A bill to amend the act entitled, an act to incorporate the Gallipolis and Chillicothe Turnpike Company and the act amendatory thereto.

The House has passed the resolution of the Senate in relation to translating and printing the Governor's message, with amendments, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Green,

The resolution and amendments were laid upon the table.

Mr. Bates, pursuant to previous notice, asked and obtained leave to introduce a bill authorizing the county auditors of Lucas, Henry and Williams, to procure copies from the land offices of the State of Michigan, of the entry of lands lying in Ohio; which was read the first time.

Mr. Birch, on leave, presented a petition from Ezekiel L. Goodrich for a divorce from his wife Hannah Goodrich; which was referred to the standing committee on the Judiciary.

Message from the House of Representatives.

Mr Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, to-wit:

A bill further to amend the act entitled, an act to incorporate the Zanesville and Maysville Turnpike Road Company, passed March 7, 1836;

A bill to amend the act to incorporate the South Toll Bridge Company, at the town of Athens, in Athens county, passed March 14, 1838.

The House has appointed Messrs. Hughes, Hanna and Chester, as the joint select committee on the part of the House, to inquire what laws of a general nature require a revision.

The House has appointed Messrs. Millikin and Corwin, a committee on enrollment

Attest,

W. H. BLODGET, *Clerk.*

The bills of the House were severally read the first time.

The Speaker announced Messrs. Cox and White, a committee on enrollment on the part of the Senate.

Ordered that the House be informed thereof.

A Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill, to which the concurrence of the Senate is requested, to wit:

A bill to amend the act creating the office of county surveyor, and defining his duties.

Attest,

W. H. BLODGET, *Clerk*.

The bill from the House was read the first time.

On motion of Mr. Spangler,

The Senate took up the resolution in relation to the printing of the Governor's Message in the German language, when the amendments of the House were agreed to.

Ordered that the House be informed thereof.

On motion of Mr. Utter,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clk. pro. tem.*

FRIDAY, DECEMBER 7, 1838.

The Senate met pursuant to adjournment.

Mr. McLaughlin presented a petition from citizens of Richland, praying the erection of a new county, to be called Kenton; which was referred to the standing committee on new counties.

Mr. Craighill presented petitions from citizens of the county of Seneca, praying the erection of a new county, to be called Kenton; which were referred to the standing committee on new counties.

Mr. Vanmeter presented a petition from citizens of Pike county, praying the incorporation of the Literary Botanico Medical College of Ohio; which was referred to the standing committee on medical colleges and societies.

Mr. Morris presented petitions from citizens of Clermont, Warren, Clinton and Fayette, praying the amendment of the charter of the Cincinnati, Columbus and Wooster Turnpike Company; which was referred to the standing committee on rail roads and turnpikes.

Mr. McLaughlin presented the memorial of Timothy Everts, praying for relief in relation to his land title; which was referred to the committee on public lands.

Mr. Tod presented the petition of the citizens of Trumbull county, for the incorporation of the Literary Botanico Medical College of Ohio; which was referred to the standing committee on medical colleges and societies.

Mr. Tracy presented a petition from citizens of Huron county, for



the erection of a new county, to be called Kenton; which was referred to the standing committee on new counties.

Mr. Saylor, from the select committee on that subject, reported a bill to incorporate the Winchester Fire Association; which was read the first time.

Mr. Allen, from the select committee on that subject, reported a bill to lay out and establish a State road in the counties of Delaware, Union and Franklin; which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole, and made the order of the day for this day, viz:

A bill (No. 4 S.) to amend the act entitled, "An act to incorporate the town of Wilmington, in the county of Clinton;"

A bill (No. 5 S.) to incorporate the Bigelow High School of Xenia;

A bill (No. 6 S.) to incorporate the first Presbyterian Church and Society of Huron;

A bill (H. No. 1) to amend the act entitled "An act to incorporate the Zanesville and Maysville Turnpike Road Company, passed March 7th, 1836;

A bill (H. No. 2) to amend the act to incorporate the South Toll Bridge Company, at the town of Athens, in Athens county, passed March 14th, 1838;

A bill (H. No. 6) to amend the act creating the office of county Surveyor, and defining his duties;

A bill (No. 7 S.) Authorizing the county auditors of Lucas, Henry and Williams counties, to procure copies from the land offices of the State of Michigan, of the entry of lands lying in Ohio.

Mr. Green, pursuant to previous notice, asked and obtained leave to introduce a bill to revive and amend the act entitled, "An act to incorporate the Circleville and Washington Turnpike Company," which was read the first time.

On motion of Mr. Smith,

The Senate resolved itself into a committee of the whole, Mr. Smith in the chair, on the bill (No. 1) to lay out and establish a State road in the counties of Richland and Wayne, when the same was reported back with one amendment, which was agreed to, and the bill was ordered to be engrossed for its third reading and final passage on to-morrow.

Mr. McLaughlin gave notice that on to-morrow, or on some subsequent day of the present session, he should ask leave to introduce a bill to exempt houses on farms from taxation.

On motion of Mr. Walton,

The Senate resolved itself into a committee of the whole, Mr. Walton in the chair, on the bill (S. No. 2) for the relief of Demas Adams, when the same was reported back without amendment, and

On motion of Mr. Stokely,

Recommitted to the standing committee on public lands.

On motion of Mr. Bates,

The Senate again resolved itself into a committee of the whole, Mr.

Bates in the chair, on the bill (S. No. 3) to authorize the courts for the county of Vanwert to be held at the county seat thereof, when the same was reported back without amendment, and ordered to be engrossed for its third reading and final passage on to-morrow.

On motion of Mr. Thompson,

The committee on public buildings were discharged from the further consideration of the petitions of citizens of Ohio in relation to the establishment of an eye infirmary, and the said petitions were referred to the standing committee on public institutions.

On motion of Mr. Morris,

The Senate resolved itself into a committee of the whole, Mr. Spangler in the chair, on the bill (S. No. 4) to amend the act entitled, "an act to incorporate the town of Wilmington in the county of Clinton," when the same was reported back with one amendment; which was agreed to, and the bill was ordered to be engrossed for its third reading and final passage on to-morrow.

On motion of Mr. Sangler,

The Senate again resolved itself into a committee of the whole, Mr. Bates in the chair, on the bill (House No. 2.) to amend the act entitled, "an act to incorporate the south toll bridge company at the town of Athens, in Athens county, passed March 14th, 1838, when the same was reported back without amendment. The bill was then amended and ordered to its third reading, in order for its final passage on to-morrow.

On motion of Mr. Spangler,

The Senate again resolved itself into a committee of the whole, Mr. Green in the chair, on the bill (House No. 1.) further to amend the act entitled, "an act to incorporate the Zanesville and Maysville Turnpike Road Company," passed March 7th, 1836, when the same was reported back without amendment, and ordered to its third reading in order for its final passage on to-morrow.

On motion of Mr. Green,

The Senate again resolved itself into a committee of the whole, Mr. Holmes in the chair, on the bill (House No. 6.) to amend the act creating the office of county surveyor and defining his duties, when the same was reported back without amendment; and

On motion of Mr. Green it was laid on the table.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill to which the concurrence of the Senate is requested, to wit:

A bill to authorize the commissioners of Muskingum county to subscribe to the capital stock of any turnpike road company or turnpike road companies, when such road or roads shall enter into or pass through any part of said county.

The following bills have been reported to the House and read the first time, to wit:

A bill to lay out and establish a state road in the counties of Paulding and Williams;

A bill to lay out and establish a state road in the counties of Williams, Henry and Lucas;

A bill to incorporate the Massillon Cemetery association.

The House has passed a resolution in relation to furnishing the representatives of Hancock county certain copies of the revised statutes, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The bill of the House was read the first time.

The resolution of the House was laid on the table.

On motion of Mr. Smith,

The Senate took up the bill (H. No. 6.) to amend the act creating the office of county surveyor and defining his duties, when the same was amended and ordered to its third reading in order to its final passage on to-morrow.

On motion of Mr. Morris;

The Senate again resolved itself into a committee of the whole, Mr. Wade in the chair, on the bill (Senate No. 7.) authorizing the county auditors of Lucas, Henry and Williams, to procure copies from the land offices of the State of Michigan of the entry of lands lying in Ohio, and the same was reported back without amendment, and ordered to be engrossed for its third reading and final passage on to-morrow.

Mr. Thomas offered the following resolution, which was adopted, viz:

*Resolved*, That the Governor be requested to transmit to the Senate a copy of the report of lists of the valuation of the commissioners appointed under the provisions of the act relating to the management and sale of certain canal lands of the State of Ohio, to appraise the Miami Canal lands remaining unsold.

A Message from the House of Representatives.

Mr. Speaker:

The hall of the House is now ready for the reception of the Senate to count and canvass the votes given at the late October election for Governor of the State.

Attest,

W. H. BLODGET, *Clerk.*

The Senate, preceded by their Speaker and Clerk, repaired to the hall of the House of Representatives, and being seated within the bar, the Speaker of the Senate in the presence of both Houses, proceeded to open and publish the returns of the votes given for Governor of Ohio, on the second Tuesday of October 1838, as follows, viz:

*Official abstract of votes for Governor of the State, October 9, 1838.*

	WILSON SHANNON.	JOSEPH VANCE.	SCAT.
Adams,.....	1002.....	689	
Allen, .....	602.....	543	
Athens, .....	732.....	1086	
Ashtabula. ....	738.....	2048	



	WILSON SHANNON	JOSEPH VANCE	SCAT.
Butler,.....	2948.....	1459	
Belmont,.....	2670.....	2221	
Brown,.....	1547.....	1190	
Carroll, ..	1495.....	1455	
Clermont,.....	2006.....	1603	
Columbiana, .....	3519.....	2799	
Coshocton,.....	1840.....	1232	
Champaign,.....	1040.....	1412	
Clark,.....	762.....	1597	
Clinton,.....	939.....	1013	
Crawford, .....	948.....	626	
Cuyahoga,.....	1751.....	2450	
Delaware,....	1668.....	1770	
Dark,.....	803.....	754	
Franklin,.....	1672.....	2009	
Fairfield,.....	2717.....	1633	
Fayette,.....	744.....	761	
Gallia, .....	388.....	989	
Greene,.....	1031.....	1545	
Geauga,.....	1554.....	2330	
Guernsey,.....	2090.....	1938	
Henry, .....	98.....	119	
Harrison, .....	1788.....	1657	
Hardin, .....	251.....	225	
Highland, .....	1649.....	1415	
Holmes,.....	1438.....	772	
Huron and Erie,.....	2366.....	2566	
Hamilton,.....	4717.....	4366	
Hancock,.....	829.....	505	
Hocking,.....	784.....	298	
Jackson,.....	649.....	492	
Jefferson,.....	2372.....	1865	
Knox,.....	2645.....	1922	
Lucas,.....	463.....	763	
Lawrence,.....	316.....	762	
Licking,.....	3162.....	2218	
Logan,.....	750.....	1150	
Lorain,.....	1502.....	1628	
Marion,.....	934.....	936	
Meigs,.....	337.....	669	
Miami,.....	1101.....	1644	
Monroe,.....	1420.....	418	
Morgan,.....	1550.....	962	
Muskingum,.....	2532.....	3174	
Medina,.....	1295.....	1648	
Madison,.....	507.....	695	
Mercer,.....	443.....	276	
Montgomery,.....	2787.....	2548	

	WILSON SHANNON.	JOSEPH VANCE.	SCAT.
Pike,.....	591.....	454.....	
Putnam,.....	361.....	227.....	
Perry,.....	1718.....	928.....	
Pickaway,.....	1712.....	1592.....	
Portage,.....	3051.....	3252.....	2
Preble,.....	1198.....	1761.....	
Richland,.....	3363.....	1852.....	
Ross, .....	2026.....	2344.....	
Scioto,.....	603.....	880.....	
Shelby,.....	813.....	721.....	
Stark,.....	3147.....	2217.....	
Sandusky,.....	834.....	724.....	
Seneca,.....	1172.....	959.....	1
Trumbull,.....	3269.....	3356.....	
Tuscarawas,.....	1631.....	1644.....	
Union,.....	468.....	614.....	
Vanwert,.....	58.....	57.....	
Wood, .....	338.....	543.....	
Warren,.....	1019.....	1718.....	
Washington,.....	1264.....	1384.....	
Wayne, .....	3057.....	1841.....	
Williams,.....	300.....	233.....	2
	<hr/>	<hr/>	<hr/>
	107,884	102,146	7
	<hr/>	<hr/>	<hr/>

Whole number of votes 210,037.

Whereupon, Wilson Shannon having received the highest number of votes, was declared by the speaker of the Senate in the presence of both Houses to be duly elected Governor of the State of Ohio, for the constitutional term of two years.

The Senate then returned to their chamber.

On motion of Mr. Thomas,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk, pro tem.*

SATURDAY, DECEMBER 8, 1838.

The Senate met pursuant to adjournment.

Mr. McLaughlin presented petitions from citizens of the county of Richland, praying the erection of a new county to be called Kenton; which were referred to the standing committee on New Counties.

Mr. Tracy presented petitions from citizens of the county of Huron, praying the erection of a new county to be called Kenton; which were referred to the standing committee on New Counties.

Mr. Bates, from the standing committee on Public Lands, to which

had been recommitted the bill for the relief of Demas Adams, reported the same back with one amendment, which was agreed to, and the bill was ordered to be engrossed for its third reading and final passage on Monday.

Mr. Smith, from the select committee on that subject, reported a bill authorizing the revaluation of section twenty-nine in the original surveyed township number four, in the second entire range between the Miami rivers, in Warren county; which was read the first time.

The following bills were then severally read a second time, committed to a committee of the whole, and made the order of the day for this day, viz:

A bill (No. 8, S.) to incorporate the Winchester Fire Association;

A bill (No. 9, S.) to lay out and establish a state road in the counties of Delaware, Union and Franklin;

A bill (No. 10, S.) to revive and amend an act entitled, an act to incorporate the Circleville and Washington Turnpike Company;

A bill (No. 4, H.) to authorize the county commissioners of Muskingum county to subscribe to the capital stock of any turnpike road company or turnpike road companies, when such road or roads shall enter into, or pass through any part of said county.

The following acts of the Senate were read the third time and passed, viz:

An act (No. 1, S.) to lay out and establish a state road in the counties of Richland and Wayne;

An act authorizing the courts for the county of Vanwert to be held at the county seat thereof.

Ordered that the titles be as aforesaid, and the concurrence of the House be requested.

A bill to amend the act entitled, an act to incorporate the town of Wilmington, in the county of Clinton, was read the third time, and

On motion of Mr. Morris,

Recommitted to the committee that reported it.

A bill authorizing the county auditors of Lucas, Henry, and Williams, to procure copies from the land offices of the State of Michigan, of the entry of lands lying in Ohio, was read the third time, and

On motion of Mr. Bates,

Recommitted to the committee which reported it.

The following acts of the House were read the third time and passed:

An act to amend the act creating the office of county surveyor and defining his duties.

Ordered that the title be as aforesaid, and that the House be informed thereof.

The act to amend the act entitled, an act to incorporate the Zanesville and Maysville Turnpike Road Company, was read the third time, and

On motion of Mr. Tod,

Recommitted to the standing committee on rail roads and turnpikes.

Message from the House of Representatives.



Mr. Speaker:

The House has adopted a resolution appointing a joint select committee to inform Wilson Shannon of his election to the gubernatorial chair of this State, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The resolution of the House was agreed to, and the Speaker announced Messrs. Spangler and Oliver the committee on the part of the Senate.

Mr. Morris, from the select committee to which had been recommended the bill to amend the act entitled, an act to incorporate the town of Wilmington, in the county of Clinton, reported the same back with two amendments, which were agreed to and the bill was passed.

Ordered that the title be as aforesaid, and that the concurrence of the House be requested.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, viz:

A bill to attach a part of the county of Jackson, to the county of Ross;

A bill to provide for the preservation and safe keeping of the journals of the General Assembly.

Attest,

W. H. BLODGET, *Clerk.*

The bills of the House were severally read the first time.

Mr. Bates offer the following resolution, which was agreed to, and ordered to the House for concurrence, viz:

*Resolved by the Senate and House of Representatives,* That the Auditor of the State of Ohio be required to procure as soon as practicable from the several land offices in the State of Michigan, at which the same may have been entered, all such evidence of entry, purchase or grant, as will enable him to know what lands lying in Ohio, and north of Sullivan's line are or may become subject to taxation, the quantity thereof and the names of the original proprietors.

Mr. Saylor offered the following resolution which was agreed to, viz:

*Resolved,* That the standing committee on military affairs be instructed to inquire into the expediency of amending the militia law, so as to allow constables and justices of the peace the same fees for collecting muster fines as they are allowed for like services in other cases:

That the commandants of brigades be required to deliver the rifles which have been or may hereafter be furnished by the State, to the rifle companies in their respective brigades.

That all muster fines collected shall be paid over to the respective companies from which they may have been collected.

On motion of Mr. Saylor,

The Senate proceeded according to previous resolution to the election of officers to serve during the session.

The Senate, Mr. Spangler in the chair, then proceeded to the election of a Speaker, when on counting the ballots there appeared for

Wm. Hawkins ..... 24 votes.

Blanks and scattering ..... 11 "

Mr. Hawkins having received a majority of all the votes given was declared duly elected, and accordingly took the chair.

The Senate next proceeded to the election of a Clerk, and on counting the ballots there appeared for

C. J. McNulty ..... 20 votes.

Blanks and scattering ..... 16 "

C. J. McNulty having received a majority of all the votes given was declared duly elected, and having been qualified according to law, proceeded to the discharge of his duties.

The Senate next proceeded to the election of Door-keeper and Sergeant-at Arms, when there appeared on the first ballot for

Thomas W. Mansfield ..... 19 votes.

Blanks and scattering ..... 15 "

Thomas W. Mansfield having received a majority of all the votes was declared duly elected, and having been qualified according to law, proceeded to the discharge of his duties.

Mr. Thompson offered the following resolutions, which were read and ordered to lie upon the table, viz:

*Resolved, by the General Assembly of the State of Ohio, That the Auditor of State be required to procure from the banks of this State, a statement of their condition according to their weekly statement on or about the 15th day of July last, and also a weekly statement of their condition on or about the fifteenth day of December inst.; and further, said banks be required to accompany such weekly statements with direct answers to the following interrogations, verified by affidavit of their cashiers and directors, or president and directors.*

1. What amount of capital stock has been subscribed ?

2. What amount of capital has been paid in ?

3. What amount of the capital stock of your banks is held and owned by citizens of this State ?

4. What amount of the capital stock of your bank is held and owned as the property of your bank ?

5. What amount of the capital stock of your bank is taken, held and owned by other corporations ?

6. What amount of the capital stock of other companies or corporations does your bank hold or own in any manner ?

7. What amount of debts are due and owing your bank from other corporations, or companies that have not banking privileges, and what time does such debts run ?

8. What amount of the capital stock of your bank is pledged as security for the notes or other obligations given in payment of any installment or installments on stock or on loans and discounts made by your bank ?

9. What was the largest amount loaned at any one time during the year last past to stockholders ?

10. At what period during the year last past was your circulation most extended, and the amount of the same at that time ?

11. Have you issued notes of a less denomination than five dollars; if so, what amount are in circulation ?

12. What amount of bills or notes have been issued by your bank during the year last past payable on time ?

13. Have you sold eastern exchanges for a premium on their specie value? If so, at what rate?

14. Have you sold bills of exchange or drafts of any description, and charged interest and exchange both? If so, what amount of your business have you done in this way during the year last past?

15. Have you been engaged in doing business as an agent or trustee in trust of any foreign bank, especially the United States Bank of Pennsylvania? If so, what kind of business, and to what extent?

16. What proportion of your loans are business loans, and what proportion are accommodation loans?

17. What number of persons are indebted to your bank who reside within the limits of Ohio, that are not stockholders in the same, and the aggregate amount of such indebtedness?

18. What are the whole amount of profits arising from every and all the transactions of your bank, including every expense of the same, for the years 1836, 1837, and 1838, each year separately?

19. What were the net amount of expenditures of your bank for the years 1836, 1837, and 1838, each year separately?

20. What amount of discounts, notes, bonds, drafts, checks, bills of exchange, or other evidences of debt due and owing your bank, are good, what doubtful, and what bad?

21. What amount of notes or bills of other banks, held by, and is the property of your bank, are good, what doubtful, and what bad?

22. What amount of notes, drafts, checks, bills of exchange or other evidences of debt, are secured by mortgage or otherwise, on real estate?

23. Have you any memorandum, accounts, drafts or checks, that are not included in your weekly statements, in the line of loans or discounts? If so, what is the amount of all such items?

24. Have you permitted any stockholder or other person to overdraw the amount of their property, or interest in your bank? If so, what extent?

25. Have you, your officers or agents, at any time, to your knowledge, exchanged your notes or bills with other banks, for the purpose of evading the law passed in 1836, prohibiting the issuing and circulating of small bills?

26. Have you issued and put in circulation any bill, note, or other evidence of debt, redeemable or payable at any other place than that of your banking house? If so, have you funds provided at such place for the redemption of all such notes at that time?

27. Have you kept the door of your bank open for the transaction



of public business, during the year last past, at least four hours each day, Sunday excepted?

23. What amount of funds are in your possession belonging to the State of Ohio, and by whom deposited? Also upon what security to the State have such deposits been made?

*Resolved*, That the Auditor of State is hereby requested to report to this General Assembly at the earliest day possible, the answers of the several banks to the foregoing interrogatories, with a list of banks to which this circular shall have been addressed.

Mr. Holmes gave notice that on Monday, or some subsequent day of the present session, he would ask leave to introduce a bill to provide for the collection of demands against steamboats and other water craft.

On motion of Mr. McLaughlin,  
The Senate adjourned.

Attest,

C. J. McNULTY, *Clerk*.

MONDAY, DECEMBER 10, 1838.

The Senate met pursuant to adjournment.

Mr. Craighill presented petitions from citizens of Lucas and Sandusky counties, praying the erection of a new county, to be called Salem; which was referred to the standing committee on new counties.

Mr. Bates presented a petition from citizens of Lucas county praying the location of a state road from lower Sandusky to Manhattan; which was referred to Mr. Bates.

Mr. Bates presented a petition from the commissioners of Wood county praying the passage of an act authorizing them to borrow money; which was referred to Mr. Bates.

Mr. Stokely presented a petition from the commissioners of Jefferson county praying an appropriation to aid in the erection of a bridge, &c.; which was referred to the standing committee on roads and highways.

Mr. Allen presented a petition from citizens of the county of Delaware praying the erection of a new county, to be called Benton; which was referred to the standing committee on new counties.

Mr. Bates, from the standing committee of privileges and elections, made the following report; which was laid upon the table, to wit:

The standing committee on privileges and elections, to whom was referred the certificates of election for members of the Senate therein named, have had the same under consideration and now report, that on examination of said certificates it appears that on the second Tuesday of October last, the following named gentlemen were duly elected Senators to represent their respective districts in the Senate of this State, for the period of two years:

*From the counties of*

Butler and Preble—John Saylor.  
 Fairfield and Hocking—Samuel Spangler.  
 Harrison and Tuscarawas—John Brady.  
 Montgomery—Henry Shideler.  
 Miami, Darke and Mercer—William J. Thomas.  
 Stark—Jacob Hostetter.  
 Trumbull—David Tod.  
 Warren—George J. Smith.

Your committee further report that the following named gentlemen have in like manner been duly elected, as appears from their certificates; but no time of service is specified in either of their certificates, to wit:

Coshocton, Holmes and Knox—James Mathews.  
 Delaware, Union, Crawford and Marion—Benjamin F. Allen.  
 Fayette, Madison and Green—Aaron Harlan.  
 Hamilton—Geo. W. Holmes.  
 Huron—Josiah Tracy.  
 Licking—Richard Stadden.  
 Medina and Lorain—Heman Birch.  
 Portage—Gregory Powers.  
 Seneca and Sandusky—William B. Craighill.  
 Wayne—Jacob Ihrig.  
 Wood, Lucas, Henry, Williams, &c.—Curtis Bates.

Mr. Thompson moved the reconsideration of the vote by which the petition of the citizens of Delaware county praying the erection of the new county of Benton; which was agreed to, and the petition was then laid upon the table.

Mr. Saylor, from the standing committee on rail roads and turnpikes, to which had been recommitted the bill to amend the act entitled, an act to incorporate the Zanesville and Maysville turnpike road company, passed March 7, 1836, made the following report, to wit:

The standing committee on rail roads and turnpikes, to whom was referred bill No. 1, of the House, to amend the act entitled, an act to incorporate the Zanesville and Maysville turnpike road company, passed March 7, 1836, report:

That the committee have examined the same in relation to the amendment to the aforesaid act, and can see no reason why the bill should not pass, inasmuch as the said turnpike road has already been commenced and a large amount of stock subscribed by the Governor. The committee therefore report the same back to the Senate without amendment.

On motion of Mr. Tod,

The bill was then laid upon the table.

Mr. Allen, from the standing committee on new counties, to which had been referred the petitions for the erection of a new county, to be called Kenton, made the following report, which was laid upon the table, to wit:

The standing committee on new counties, to whom was referred sun-

Dry petitions from the inhabitants of the counties of Huron, Richland, Seneca and Crawford, praying for the erection of a new county, (with the contemplated county seat at New Haven,) have had the same under consideration, and make the following report:

Your committee would first observe, that from an examination of the petitions, they find the claim supported by a large number of petitions, setting forth that they are residents within the bounds of the contemplated new county, and also from the counties whence the new county is intended to be detached. In referring to the plat submitted to your committee, it appears that a new county may be erected in accordance with the prayer of the petitioners, embracing an extent of territory fully sufficient to justify the measure.

In the contemplated new county, there will be about four hundred and ten square miles, with a supposed population of about fifteen thousand.

It is also discovered that the new county, if erected, will be of handsome shape, and will not materially disfigure the shape of the counties from which it is proposed to be taken, and they will also contain an extent of territory to a considerable extent over and above the limits prescribed by the constitution.

There is, however, a strong reason which appears to your committee to render it highly necessary to set off the proposed new county. From good authority, you committee is informed that the courts of common pleas in some of the counties, have had their sessions to continue on an average about three weeks. This fact in the opinion of your committee, is grievous and oppressive on such as have to attend the courts.

To obviate this evil, and upon these considerations, your committee are of opinion that the prayer of the petitioners ought to be granted, and therefore they report a bill.

The bill to erect the county of Kenton was then read the first time.

Mr. McLaughlin, from the select committee to which petitions on that subject had been referred, reported a bill to change the name of the town of Plymouth, in the south part of Plymouth township, to that of Richland; which was read the first time.

The following bills were severally read a second time, committed to a committee of the whole Senate, and made the order of the day, for this day; viz:

A bill (S. No. 11) authorizing the revaluation of section 29, in the original surveyed township, number four, in the second entire range between the Miami rivers, in Warren county;

A bill (H. No. 7) to attach a part of the county of Jackson to the county of Ross;

A bill (H. No. 13) to provide for the safe keeping of the Journals of the General Assembly.

The bill (S. No. 2) for the relief of Demas Adams, was read the third time and passed.

Ordered that the title be as aforesaid, and that the concurrence of the House be requested.

A message from the House of Representatives.



Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, viz:

A bill to incorporate the first Congregational and Presbyterian Church and Society in the township of Bristol, in the county of Trumbull;

A bill extending the time of payment for section sixteen, Lemon township, Butler county;

A bill to lay out and establish a State road in the counties of Licking, Muskingum and Coshocton.

Attest,

W. H. BLODGET, *Clerk*.

The bills of the House were severally read the first time.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, viz:

A bill for the relief of W. H. Starrett;

A bill to incorporate the New Lexington branch of the Zanesville and Maysville Turnpike Road Company;

A bill to amend the act entitled, an act to incorporate the German Reformed Synod of Ohio;

A bill to incorporate the Miamisburg Fire Insurance Company;

A bill fixing the time at which laws of a general nature shall take effect;

A bill to divorce Harriet Houk from her husband Jonathan T. Houk;

A bill to incorporate the Rockport Lyceum, in the county of Cuyahoga.

The House has adopted a Resolution relative to printing certain copies of the annual report of the Treasurer of State, to which the concurrence of the Senate is requested.

The following bill has been reported to the House and read the first time:

A bill to amend the act entitled, an act to incorporate the Marietta and Newport Turnpike Road and Bridge Company.

The House has passed a resolution relative to printing a certain number of copies of the annual report of the Auditor of State, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk*.

The resolution in relation to the printing of the Auditor of State's report, was laid upon the table.

The resolution in relation to the printing of the Treasurer of State's report, was agreed to.

Ordered that the House be informed thereof.

The Speaker announced Messrs. Tod and James, as members on the part of the Senate, of the joint select committee on the subject of the revision of the general laws.

Ordered that the House be informed thereof.

On motion of Mr. McLaughlin,

So much of the unfinished business of the last session as relates to the

erection of a new county to be called the county of Benton, was taken up and referred to the standing committee on new counties.

On motion of Mr. Morris,

The Senate resolved itself into a committee of the whole, Mr. Morris in the chair, on the bill (S. No. 5,) to incorporate the Bigelow High School of Xenia, when the same was reported back without amendment.

The bill was then amended and laid on the table.

Mr. Walton offered the following resolution, which was agreed to, viz:

*Resolved*, That the standing committee on the judiciary be instructed to inquire what amendments, if any, may be required to the act to regulate judicial proceedings, where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions, passed January 23, 1824.

Mr. Stadden offered the following resolution, which was agreed to, viz:

*Resolved*, That William A. Warner be and he is hereby appointed messenger to the Senate, to serve during the present session.

On motion of Mr. Walton,

The resolution of the House in relation to the printing the Auditor of State's report, was taken up and agreed to.

Ordered that the House be informed thereof.

Mr. Thompson offered the following resolution, which was agreed to viz:

*Resolved by the Senate*, That the Secretary of State be requested to report to the Senate at as early a day as possible, a full and specific statement of every article purchased or used by said department, together with the costs of the same annexed thereto, whether purchased and used in that department, or for the use of the General Assembly, or for public offices.

Mr. Tod offered the following resolution, which was agreed to, to wit:

*Resolved*, That the standing committee on the judiciary be instructed to inquire whether any amendments are necessary to the act entitled, an act allowing and regulating writs of attachment before justices of the peace.

On motion of Mr. Harlan,

The Senate took up the bill to incorporate the Bigelow High School of Xenia; the same was further amended.

Mr. Utter offered the following amendment to come in as a 12th section, to wit:

That any future legislature may alter, amend or repeal this act, provided such alteration, amendment or repeal, shall not affect the title to any property, real or personal, belonging to said company, nor to any which they may have conveyed or transferred.

On the question of agreeing to the amendment, Mr. Utter called for the yeas and nays, which were taken, and were yeas 20, nays 15.

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Mathews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, White, and Speaker—20.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Thomas, Tracy, and Vanmetre—15.

So the amendment was agreed to.

The bill was then ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

The Speaker laid before the Senate a report from the Auditor of State in relation to his contingent fund; which was laid upon the table.

The Speaker laid before the Senate a report from the Treasurer of State in relation to his contingent fund; which was laid on the table.

On motion of Mr. Smith,

The Senate then resolved itself into a committee of the whole, Mr. Fuller in the chair, on the bill to incorporate the Winchester Fire Association, and the same was reported back without amendment, and

On motion of Mr. Green,

Recommitted to the committee that reported it.

On motion of Mr. Holmes,

The Senate again resolved itself into a committee of the whole, Mr. Stokely in the chair, on the bill to lay out a state road in the counties of Delaware, Union and Franklin, and the same was reported back without amendment; amended and ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

On motion of Mr. Smith,

The committee of the whole was discharged from the further consideration of the bill to incorporate the First Presbyterian Church and Society, in the town and county of Huron, and the same was taken up, amended and ordered to be engrossed for its third reading in order to its final passage on to-morrow.

On motion of Mr. Fuller,

The Senate adjourned.

Attest,

C. J. McNULTY, *Clerk.*

TUESDAY, DECEMBER 11, 1838.

The Senate met pursuant to adjournment.

Mr. McLaughlin presented a petition from citizens of the county of Richland praying the erection of a new county to be called Benton; which was referred to the standing committee on new counties.

Mr. Birch presented petitions from citizens of the county of Medina praying the erection of a new county, the county seat whereof to be at Akron; which were referred to the standing committee on new counties.

Mr. Tracy presented a petition from citizens of the county of Huron praying the erection of a new county to be called Kenton; which was referred to the standing committee on new counties.

Mr. Vanmetre presented a petition of citizens of the counties of Ross and Jackson praying that a part of the county of Jackson may be attached to the county of Ross; which was laid upon the table.

Mr. Powers presented petitions from citizens of Portage county for



the erection of a new county, the county seat whereof to be at Akron; which were referred to the standing committee on new counties.

Mr. Walton, from the select committee to prepare standing rules for the government of the Senate, made the following report; which was ordered to lie upon the table, viz:

The select committee appointed to prepare and report Standing Rules for the government of the Senate during the present session, have had the subject under consideration, and report the following:

Rule 1st. The Speaker shall take the chair every day at the hour to which the Senate shall have been previously adjourned, and shall immediately call the members to order; and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2d. He shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the Senate by any two members.

3d. He shall examine and correct the journal before the same shall be read.

4th. He shall have a right to name any member to perform the duties of the chair, which appointment shall not extend beyond an adjournment.

5th. He shall at the commencement of each session, appoint the following Standing Committees, to consist of three members each:—1st on Privileges and Elections; 2d on the Judiciary; 3d on Finance; 4th on Claims; 5th on Canals; 6th on Roads and Highways; 7th on Schools and School lands; 8th on New Counties; 9th on Military Affairs; 10th on Medical Colleges and Societies; 11th on Colleges and Universities; 12th on Agriculture, Manufactures, and Commerce; 13th on the Penitentiary; 14th on the Library; 15th on the Currency; 16th on the Public Lands; 17th on Railroads and Turnpikes; 18th on Public Institutions.

6th. All committees shall be appointed by the Speaker, unless otherwise ordered by the Senate; in which case they shall be elected by ballot.

7th. The Speaker, or any two members may have a call of the Senate, and have absent members sent for.

8th. As soon as the journal is read, the Speaker shall call, first, for the presentation of petitions; second, for reports of Standing Committees; third, for reports from Select Committees; he shall then proceed to dispose of the bills, messages and communications on his table, and then shall announce the orders of the day.

9th. If any member transgress the rules of the Senate, the

Speaker shall, or any member may, call to order; in which case, the member called to order shall immediately sit down, unless permitted to explain; and the Senate, if appealed to, shall decide the question of order.

10th. All questions shall be put in this form, to wit:—"You who are of opinion that the motion be agreed to, will say aye; those of a contrary opinion, say no." And in doubtful cases, the Speaker may direct, or any member may call for a division.

11th. Every member present, when a question is put, shall vote, unless the Senate shall for special reasons, excuse him.

12th. Every motion shall be reduced to writing, if the Speaker or any member require it.

13th. A motion to adjourn, or take a recess, shall always be in order, unless a member is speaking, and shall be decided without debate.

14th. When a member is about to speak he shall rise in his place and respectfully address the Speaker; and when a member is speaking no other shall pass between him and the chair.

15th. No member shall speak more than twice on any question, without leave of the Senate, and the same rule shall be observed in committees of the whole Senate.

16th. After a motion is made and seconded it shall be stated by the Speaker, or being in writing, shall be handed to the chair, and read by the Speaker or Clerk previous to debate.

17th. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed in possession of the Senate; but may be withdrawn at any time before the decision, or amendment, by consent of the Senate.

18th. When a question is under debate no motion shall be received, unless to adjourn or take a recess, to take the previous question, to lie on the table, to proceed to the orders of the day, to postpone indefinitely, to postpone to a day certain, to commit, or to amend.

19th. The previous question shall be put in these words—"Shall the main question now be put?" and it shall be admitted on the demand of three members, (although no amendment shall have been proposed to the original proposition,) and until decided, shall preclude all amendments or further debate of the main question.

20th. Any member may call for a division of the question, which shall be divided if it comprehends questions so distinct, that one being taken away the rest may stand entire for the decision of the Senate.

21st. No committee shall absent themselves from the Senate chamber, by reason of their appointment, during the sitting of the Senate, without special leave.

22d. The first reading of the bill shall be for information; and if objection be made to it, the question shall be, "Shall the bill be rejected?" If no objections be made, or if the question to reject be lost, the bill shall go to a second reading without further question.

23d. Upon the second reading of the bill, the Speaker shall state it ready for commitment, or engrossment; and if no motion be made, the Speaker shall commit it to a committee of the whole, and make it the order of the day for that day; but if the bill be ordered to be engrossed the Senate shall determine the day upon which it shall be read a third time.

24th. When a question is lost on engrossing a bill for the third reading, on a particular day, it shall not preclude a question to engross it for a third reading on a different day, unless a division be called for; but if, on a division, the question on engrossing a bill without including the time for the third reading, shall fail, the bill shall be considered as lost.

25th. When a bill is engrossed, the Speaker shall, at the time previously appointed by the Senate, announce it as ready for a third reading; and if no objection be made, it shall go to a third reading without question.

26th. A bill after commitment and report thereof, may be re-committed at any time previous to its passage.

27th. In forming the Committee of the Whole, the Speaker shall leave the Chair, and appoint a Chairman to preside.

28th. In filling blanks, the largest sum and longest time shall be first put.

29th. The rules of proceeding in the Senate shall be observed in Committee of the Whole, so far as may be applicable.

30th. In all cases where the Senate shall be equally divided the question shall be lost; but a reconsideration may be moved for by any member voting in the affirmative.

31st. A motion to reconsider a vote shall be deemed out of order after the expiration of three days from the time such vote was taken; all motions for reconsideration shall come from a member voting in the majority, except when the Senate shall be equally divided.

32d. Every petition, report of a committee, or other communication presented and received, shall be taken up and read without motion, unless otherwise ordered by the Senate.

33d. The interim between the morning and evening sessions of the Senate, shall be termed a recess; and on re-assembling on the same day any question pending at the time of taking such recess shall be resumed without a motion to that effect.



Mr. Bates, from the select committee to which the petition on that subject had been referred, reported a bill to authorize the commissioners of the county of Wood, to borrow money; which was read the first time.

Mr. Bates, from the select committee to which petitions on the subject had been referred, reported a bill to lay out and establish a state road in the counties of Sandusky and Lucas; which was read the first time.

Mr. Saylor, from the select committee to which had been re-committed the bill to incorporate the Winchester Fire Association, reported the same back with one amendment, which together with the bill was laid upon the table.

Mr. Shannon, from the select committee on unfinished business, made the following report; which was ordered to lie upon the table, viz:

The select committee appointed to examine the Journals of the last session and report the unfinished business of the same, have attended to that duty, and make the following report:

*Senate Bills postponed until the first Monday of December, 1838.*

To establish permanently the seat of justice for Guernsey county.

To lay out and establish a state road in the counties of Henry and Williams.

To incorporate the Conservative School Association in Carroll county.

Making appropriation of a part of the three per cent. fund in Williams county.

To amend an act to regulate the practice of judicial courts.

To improve the navigation of the Chippewa & Killbuck waters, &c.

Further to amend the act to incorporate the Sandy and Beaver Canal Company.

### *Bills of the House.*

To incorporate district No. 2 in Orange township, Carroll county.

To amend the act to incorporate the Medina Steam Mill Company.

To repeal, in part, an act to authorize the corporations therein named to grant licenses, &c.

To alter the line between the counties of Green and Clark.

House resolution for the removal of the county seat of Lawrence county.

Petitions in relation to the new counties of Benton and York.

Petitions of sundry citizens of Lawrence county, praying the passage of a law which shall prohibit all distinctions in relation to matters of opinion, when persons are called upon to testify.

Mr. Spangler, from the joint select committee appointed to wait on the Governor elect, and inform him of his election, reported that the

committee had performed that duty, and that they had been informed by him that he would meet both branches of the legislature in the hall of the House on Tuesday next, at three o'clock P. M. to take the oath of office prescribed by the constitution of this State.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

A bill (Senate No. 12,) to erect the county of Kenton;

A bill (Senate No. 13,) to change the name of town of Plymouth in the south part of Plymouth township, to that of Richland;

A bill (House No. 8,) to incorporate the first Congregational and Presbyterian Church and society in the township of Bristol, in the county of Trumbull;

A bill (House No. 10,) extending the time of payment for section 16, in Lemon township, in Butler county;

A bill (House No. 14,) to lay out and establish a state road in the counties of Licking, Muskingum and Coshocton.

The following bills of the Senate were then read the third time and passed, to wit:

A bill (No. 6,) to incorporate the first Presbyterian Church and society in the town and county of Huron;

A bill (No. 9,) to lay out and establish a state road in the counties of Delaware, Union and Franklin.

Ordered, that the titles be as aforesaid, and that the concurrence of the House be requested.

The bill to incorporate the Bigelow High School of Xenia, was read the third time; and

On motion of Mr. Harlan,

Recommitted to the committee that reported it.

Mr. Tod offered the following resolution, which was amended and agreed to, as follows:

*Resolved*, That the Governor be and he is hereby requested to transmit to the Senate a copy of the written report, and all other papers presented to him by the president and directors of the Zanesville and Maysville turnpike company, to obtain a subscription on the part of the State to the stock of said company.

On motion of Mr. Thompson,

The annual report of the Auditor of State was taken up and referred to the standing committee on Finance.

Mr. Holmes, pursuant to previous notice, asked and obtained leave to introduce a bill to provide for the collection of demands against steam boats and other water crafts; which was read the first time.

On motion of Mr. Thompson,

The resolution directing the Auditor of State to propound certain interrogations to the banking institutions of the State, was taken up and referred to the standing committee on the currency.

The Speaker laid before the Senate a communication from the Governor in relation to the public lands; which was ordered to lie upon the table:

On motion of Mr. Walton,

The Senate resolved itself into a committee of the whole, Mr. Thompson in the chair, on the bill (H. No. 4) to authorize the county commissioners of Muskingum county, to subscribe to the capital stock of any turnpike company or any turnpike companies, when such road or roads shall enter into or pass through any part of said county; and the same was reported back with one amendment, which was agreed to, and the bill was ordered to lie upon the table.

On motion of Mr. Spangler,

The Senate again resolved itself into a committee of the whole, Mr. Utter in the chair, on the bill (H. No. 13) to provide for the safe-keeping of the Journals of the General Assembly, and the same was reported back without amendment, and

On motion of Mr. Morris,

Recommitted to the standing committee on the Judiciary.

On motion of Mr. Saylor,

The Senate took up the bill to incorporate the Manchester Fire Association, when the same was amended, and,

On motion of Mr. Saylor,

Recommitted to the select committee which reported it.

Mr. Cox, from the joint committee on enrollment, made the following report, viz:

The joint committee on enrollment have examined and found the following acts and resolutions, to wit:

An act to amend the act to incorporate the South Toll Bridge Company at the town at Athens, in Athens county, passed March 14th, 1838;

An act to amend the act creating the office of county surveyor, and defining his duties;

A resolution for appointing a joint select committee to inquire what laws (if any) require revision;

A resolution for the relief of John Cook;

Resolution in relation to printing certain copies of the Governor's annual message.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to incorporate the Particular Baptist Church of Granville, in the county of Licking;

A bill to lay out and establish a State road in the counties of Paulding and Williams;

A bill to lay out and establish a State road in the counties of Williams, Henry and Lucas;

A bill for the relief of W. H. Starret;

A bill to incorporate the New Lexington branch of the Zanesville and Maysville Turnpike Road Company;

A bill to amend the act entitled, "An act to incorporate the German Reform Synod of Ohio."



The following bills have been reported to the House, and read the first time, to wit:

A bill making special appropriations for the year 1838;

A bill to amend the act for the election of County Assessor;

A bill to divorce William Mankins from his wife, Mahala Mankins;

A bill to create a school district in the corner of Wood, Hancock and Seneca counties;

A bill to amend the 15th section of the act granting licence and regulating taverns;

A bill to incorporate the Fairfield Library Association in the county of Huron;

The House has passed a resolution in relation to the Inauguration of the Governor elect, to which the concurrence of the Senate is requested.

The House has passed a resolution in relation to furnishing the clerk of Erie county Common Pleas, with sundry copies of the revised statutes, &c., to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The bills of the House were severally read the first time.

The resolution of the House in relation to the Inauguration of the Governor elect, was agreed to.

Ordered that the House be informed thereof.

The resolution of the House in relation to furnishing the clerk of the Common Pleas of Erie county with copies of the revised statutes, was agreed to.

Ordered that the House be informed thereof.

On motion of Mr. Smith,

The resolution of the House directing the members of the House of Representatives from the county of Hancock to be furnished with certain copies of the revised statutes, was taken up and referred to the standing committee on the Judiciary.

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Cox in the chair, on the bill to change the name of the town of Plymouth, in the south part of Plymouth township, in the county of Richland, to that of Richland; and the same was reported back with one amendment, which was agreed to, and the bill was ordered to be engrossed for its third reading in order to its final passage on to-morrow.

On motion of Mr. Spangler,

The Senate again resolved itself into a committee of the whole, Mr. Allen in the chair, on the bill extending the time of payment of section 16, in Lemon township, in Butler county, and the same was reported back without amendment, and

On motion of Mr. Thomas,

Recommended to the standing committee on schools and school lands.

Mr. Rogers offered the following resolution, which was agreed to, as follows, viz:

*Resolved*, That the standing committee on the Judiciary be instruc-

ted to inquire and report what amendments (if any) are necessary to the act to abolish imprisonment for debt; passed March 19th, 1838.

On motion of Mr. Harlan,

The Senate resolved itself into a committee of the whole, Mr. White in the chair, on the bill to lay out and establish a State road in the counties of Licking, Muskingum and Coshocton; and the same was reported back without amendment, amended and ordered to its third reading in order to its final passage on to-morrow.

Mr. Brady offered the following resolution, which was agreed to, as follows, to-wit:

*Resolved*, That the Governor be requested to report to the Senate whether there will be a vacancy occasioned by the expiration of the term of Peter Williams, who was elected Associate Judge for the county of Tuscarawas, on the 26th day of December, 1831.

Mr. Stadden offered the following resolution, which was agreed to, as follows, viz:

*Resolved*, That the Governor be requested to report to the Senate whether there will be a vacancy occasioned by the expiration of the term of William O'Banion, who was elected Associate Judge for the county of Licking, on the 26th day of December, 1831.

The Speaker laid before the Senate a communication from the Secretary of State, in reply to the resolution requesting him to furnish a statement of the articles purchased by his department, and the cost of the same, as follows:

SECRETARY OF STATE'S OFFICE,  
COLUMBUS, OHIO, Dec. 11, 1838.

*To the Senate :*

In obedience to the resolution of the Senate, that the "Secretary of State be requested to report to the Senate at as early a day as possible, a full and specific statement of every article purchased or used by said department, together with the cost of the same annexed thereto, whether purchased in that department or for the use of the General Assembly, or for public offices"—the Secretary reports : That the articles following were purchased during the fiscal year last past, and used as specified in the annual report of this department, to wit:  
1837.

Nov. 15. To amount paid Monroe Bell as per bill, viz :		
1 card of steel pens for Secretary's Office		\$1 00
1 six quire Demy Journal for the use of Secretary of State's Office .....		9 00
1 six quire Demy Leger for the use of Secretary of State's Office.....		9 00
1 six quire Demy Day Book for the use of Secretary of State's Office.....		9 00
Ft. lining 6 reams folio post paper at 1.00		6 00
7000 quills half Opaque, half Dutch, No. 60, at 27.50 per 1000.....		192 50

		2000 quills half Opaque, half Dutch, No. 70, at 32.50 per 1000.....	65 00
		3000 quills half Opaque, half Dutch, No. 80, at 40.00 per 1000.....	120 00
23.		Amount paid F. B. Howell for stationary, to wit :	
		100 reams extra cap paper, at 3.75 .....	375 00
		75 " " post " at 3.87½.....	290 62½
		25 " " fancy " at 4.50 .....	112 50
		Ruling 175 reams cap and post, per ream 62½ .....	109 37½
Nov. 23.	To	1 Ream Cap paper, No. A.....	\$3 50
		1 " " " " ruled .....	4 00
		½ " ext. " " " " .....	1 87½
		½ " " " " No. 2 .....	75
		1 " " " " No. A .....	3 75
		½ " " " " fancy .....	2 25
24.		Amount paid J. & J. Graham for station- ary, to wit :	
		600 reams royal printing paper, at 3.50 ..	2100 00
		250 " cap No. 2 " at 2.50 ..	625 00
1838.			
Jan. 6.		Amount paid David Robb for advertising proposals for stationary in 1836 .....	5 00
10.		Amount paid Blodget & Lindsley for adver- tising proposals for stationary in 1836..	2 00
18.		Amount paid Jacob Green for 11 reams me- dium printing paper for German Mes- sage at 3.00.....	33 00
March 19.		Amount paid E. Ouvrier for translating Governor's Message .....	12 50
20.		Amount paid John French for 4 lbs. red wafers at 1.25.....	5 00
21.		Amount paid McElvain, Snyder & Co. for ribands for legislature .....	14 23
		Amount paid Ira Grover for 24 brass can- dle sticks for House of Reps.....	11 58
23.		Amount paid Lazell & Mattoon as per bill, to wit :	
		2 doz. bottles ink, per doz. 7.50 .....	15 00
		8 " letter stamps at 4.50.....	36 00
		10 " pocket blank books at 4.50.....	45 00
		1 large ink stand for Clerk of Senate.....	75
		Amount paid McCoy, Work and McCoy as per bill, to wit :	
		2 doz. tapes at 37½.....	75
		2 corn brooms at 25.....	50
		4 doz. colored tapes at 37½.....	1 50
		12 " " " .....	4 50



	12 " white " at 25 .....	3 00
	1 waiter for Senate.....	1 25
	8 yds. circassian for window of Senate com. room at 75 .....	6 00
	28 doz. red tapes at 37½ .....	10 50
	22 " " " at 25 .....	5 50
	4½ " col. ribands at 3.00 .....	13 50
	16 " " tapes at 25 .....	4 00
	4 " " " at 37½ ..	1 50
March 23. To	28 doz. col. tapes at 25.....	\$7 00
	8 " " " at 37½.....	3 00
	Amount paid Thos. S. Butler for 34 gallons sperm oil for House Reps. at 1.62½.....	55 25
	Amount paid Mr. Bell for stationary, to wit:	
	83 lbs. sand for House of Reps. at 6¼.....	5 18
	1 keg for same .....	25
	2 doz. ink stands, per doz. 75 .....	1 50
	1 " pocket blank books.....	4 00
	1 " paste boards per Sergeant-at-Arms of Senate and House.....	75
	6 doz. ink stands at 75....	4 50
	1 small day book for Secretary's Office....	63
	1 doz. Almanacks (per Sergeant-at-Arms)	75
	¼ " bottles green ink.....	1 12
	1 lb. red wafers .....	1 50
	13 lbs. " " at 1.50.....	19 50
	1 Almanack for Secretary's Office .....	12
	Ruling and binding Land Record Book for Secretary's Office .....	1 50
	3 lbs. red wafers at 1.50.....	4 50
	Ruling 1 ream of Folio post paper....	1 00
24.	Amount paid U. Lathrop, as per bill, to wit:	
	1 box matches, 12½—1 broom, 25—soap 25, broom 25—soap 31½—per Sgt-at-arms..	1 18½
	1 doz. brooms, per Sgt-at-arms at 2,25.....	2 25
	Amount pd. McElvain, Hunter & Co. to wit.	
	3 boxes sperm candles, 98 lbs. at 38 cts.....	37 24
	Paid drayage on same.....	12
April 2.	Scott & Wright for advertising paper proposals for 1837.....	2 00
5.	Jno. M. Gallagher for advertising pa- per proposals for 1837.....	2 00
7.	D. E. Ball for articles for Court in Bank, viz:	
	4 Candlesticks, at 50 cts.....	2 00
	4 pr. Snuffers, at 37 cts.....	1 50
	Paid John M. Kerr for articles, viz:	
	¼ lb. Red Chalk.....	06

		5 lb. Wafers, at 1,25 per lb.....	6 25
14.		Amount paid Nelson Crouse for 422 Reams Royal printing paper—per ream \$4....	1688 00
16.		Amount paid John Hough for advertising paper proposals, 1837.....	4 00
18.		Amount paid S. W. Palmer, 154 prs. Brass candlesticks, at 62½.....	9 69
		Amount paid S. W. Palmer for Auditor of State's Office, viz:	
April	18.	To 6 Roger's Pen Knives, at \$2 each.....	\$12 00
		2 do. do. do.....	4 00
		2 pr. Brass Candlesticks, at 87½ cts.....	1 75
		1 Slate.....	25
19.		Amount paid W. A. Platt, as per bill, viz:	
		1 doz. black lead pencils for Sec'y's. office..	75
		1 Pen Knife .....	1 33
		1 Seal for court of Com. Pleas of Vanwert co.	6 00
		6 Pen knives, 4 blades, for clerks of the House and Senate, at 2.00.....	12 00
		1½ doz. letter stamps, per doz. 4.50 .....	6 75
		12 " Lamp Wicks .....	2 25
		3 " do. small.....	56
		6 Lamp Chimneys per Cook's boy.....	1 50
		26 steel pens per Sec'y's. office.....	2 70
		7 steel pens and 2 pen holders, per S. E. Wright, Clk. of House of Reps.....	75
		1 steel pen and India Rubber, per S. E. Wright, Clk. of House of Reps.....	25
		Cleaning 2 clocks in State house, at 1.50..	3 00
		1 Letter stamp and engraving per Cook....	88
		2 pen knives for Ast. Clerks of Legislature at 1.50 & 1.75.....	3 25
		1 pen knife for Secretary of State's office	1 37
		2 do. J. Cook, at 1.50 & 1.75....	3 25
		1 do. by C. B. Harlan for Ast Clerk of Senate.....	2 00
		1 seal of the court of com. pleas for Erie co.	6 00
		1 do. supreme court do.....	6 00
		1 do. do. for Vanwert co.	6 00
23.		Paid S. Medary & Brothers, for printing 3 Reams Blank deeds.....	10 00
May	14.	Paid Franklin Stokes for advertising propo- sals for paper in 1836.....	3 00
		Paid Canfield & Spencer for advertising propo- sals for paper in 1836 .....	5 00
		Paid L. Goodale & Co. as per bill, viz:	
		2 Brushes per House of Reps. at 37½.....	75
		4 doz. Inkstands do. do. at 75.....	3 00
		8 " Red Tapes do. do. at 75.....	6 00

		14 " do. do. do. at 62½.....	8 75
	30.	Paid H. J. Cox & Co. for 500 Reams Medium printing paper, at 3.75.....	1875 00
June	1.	Paid Morris & Denny for advertising proposals for paper, 1837.....	5 00
		Paid Looker, Ramsey & Co. for advertising proposals for paper, 3 years to 1837, inclusive, at 5.00.....	15 00
July	14.	To Paid John Siebert for binding 75 vols. documents, at 40 cts.....	\$30 00
		Paid John Siebert for binding 150 vols. Senate Journals, at 35 cts.....	52 50
		Paid John Siebert for binding 125 vols. Gen'l. and Local Laws, at 35 cts.....	7 75
	17.	Paid M. Bell for binding 75 vols documents at 40 cts.....	30 00
		Paid M. Bell for binding 125 vols. Gen'l. & Local Laws, at 35 cts.....	43 75
		Paid M. Bell for binding 150 vols. House Journals, at 40 cts.....	60 00
	20.	Paid Scott & Gallagher for advertising proposals for paper, 1838.....	3 50
August	8.	Paid S. Medary & Brothers for advertising proposals for paper, 1838—5 w., weekly	6 00
		Paid S. Medary & Brothers for advertising proposals for paper, 1838—semi-weekly	8 00
		Paid S. Medary & Brothers for printing 3 qrs. Blank circulars for Sec'y's. office....	3 00
		Paid S. Medary & Brothers for printing 4 qrs. Blank orders for Secretary's office..	4 00
	21.	Paid Spencer & Curtis for advertising proposals for paper, 1838.....	6 00
	27.	Paid G. A. B. Lazell for Record Book, per S. E. Wright, for House of Reps.....	12 50
Sept'r.	12.	Paid W. A. Platt for 3 knives for Secretary's office, at 1.50, 2.00 & 1.37.....	4 87
		Paid W. A. Platt for seal for Supreme Court of Henry county.....	6 00
	17.	Paid Looker, Ramsey & Co. for advertising proposals for paper, 1838.....	5 00
Sept.	19.	Paid Meacham & Gill for quills, &c. viz: 8000 Dutch quills No. 60, at 27.50 per 1000	220 00
		2000 " " " 70, at 32.50 "	65 00
		1 box matches.....	12
		4 papers sand for Auditor's office.....	37½
		2 bottles ink.....	50
		1 card pens.....	1 00
	29.	Paid S. Medary & Brothers for 5½ quires of of receipts for laws.....	4 50



Oct.	1.	Paid Harrison & Williamson for advertising proposals for paper, 1838.....	3 00
Nov.	9.	Paid McElvain, Snyder, & co. as per bill, viz:	
		10 ps. col'd. Taffetas, at 40	\$4 00
		34 " " " 37½	12 75
		50 " " " 28	14 00
		14 " " " 25	3 50
Nov.	9.	To 12 doz. sand boxes, at 3.00.....	\$36 00
		124 " pink tapes from No. 17	
		to 27, 62½ doz.....	77 50
		350½ lbs. sperm candles No. 4 at 50	175 37
		961 " " " No. 6, 40	384 40
			707 52
Nov.	14.	To paid Thos. S. Butler for 90½ gallons sperm oil, at 1.37½.....	124 44
		M. Bell for 1 box matches, 12½—½ doz. red ink, 75.....	87½
			<u>\$9,603 37½</u>

The Secretary would remark, that he has experienced difficulty in coming to a satisfactory conclusion in respect to the periods of time that were intended to be included by the resolution. If the resolution be taken literally, it would seem that the Senate had contemplated a report of all purchases by this office, since the organization of the State government. This construction, however, it is believed would be an improper one, and therefore this report is limited to the periods of time embraced within the last fiscal year.

To avoid misapprehension it may be proper to state, that the several dates prefixed to the articles of purchase, are the times at which the respective accounts were audited and paid, and not the dates of purchase.

The Secretary in conclusion, would add, that he has reviewed his annual report, and finds not one word or figure which he will consent to change, as it corresponds with the record entries of the office, and its correctness is here reaffirmed.

Your obedient servant,

CARTER B. HARLAN,  
*Secretary of State.*

On motion of Mr. Van Metre,

The Senate resolved itself into a committee of the whole, Mr. Saylor in the chair, on the bill to attach a part of the county of Jackson to the county of Ross, and the same was reported back with sundry amendments, which were agreed to, and the bill was ordered to its third reading in order to its final passage on to-morrow.

On motion of Mr. Thompson,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

WEDNESDAY, DECEMBER 12, 1838.

The Senate met pursuant to adjournment.

Mr. McLaughlin presented a petition from citizens of the county of Richland, praying the erection of a new county to be called Benton; which was referred to the standing committee on new counties.

Mr. Craighill presented a petition from citizens of Seneca county, praying the erection of a new county to be called Kenton; which was referred to the standing committee on new counties.

Mr. Powers presented petitions from citizens of Portage county, praying the erection of a new county, the county seat whereof to be at Akron; which was referred to the standing committee on new counties.

Mr. Ihrig presented a petition from citizens of Wayne county, praying the construction of a canal from apple creek near Wooster, to intersect the Ohio canal at Clinton; which was referred to the standing committee on canals.

Mr. Stadden presented a petition from citizens of Marion county, praying the erection of a new county to be called Benton; which was referred to the standing committee on new counties.

Mr. Stokely presented the proceedings of a public meeting of the citizens of Jefferson county, praying the repeal of the law abolishing imprisonment for debt; which were referred to the standing committee on the Judiciary.

Mr. Cox, from the joint committee on enrolment, made the following report, to wit:

The joint committee on enrolment have examined and found duly enrolled the following joint resolution, to wit:

A resolution providing for the payment of A. Delorac, late Sergeant-at-Arms of the Senate.

A resolution directing the translation and printing of the Governor's message in the German language.

Mr. Fuller, from the standing committee on schools and school lands, to which had been recommitted the bill to extend the time of payment for section sixteen in Lemon township, in Butler county, reported the same back without amendment; when the same was laid upon the table.

Mr. Harlan, from the select committee to which had been recommitted the bill to incorporate the Bigelow High School of Xenia, reported the same back with sundry amendments; which were agreed to, and the bill was passed.

Ordered, That the title be as aforesaid and the concurrence of the House be requested.

The following bills were severally read the second time, committed to the committee of the whole Senate, and made the order of the day for this day, to wit:

A bill (Senate No. 14) to authorize the commissioners of the county of Wood to borrow money;

A bill (Senate No. 15) to lay out and establish a state road in the counties of Sandusky and Lucas;

A bill (Senate No. 16) to provide for the collection of demands against steam boats and other water crafts;

An act (House No 5,) to incorporate the Particular Baptist Church of Granville, in the county of Licking;

An act (House No. 16) to lay out and establish a state road in the counties of Paulding and Williams;

An act (House No. 17) to lay out and establish a state road in the counties of Williams, Henry and Lucas;

An act (House No. 19) for the relief of William H. Starrett;

An act (House No. 20) to incorporate the new Lexington branch of the Zanesville and Maysville Turnpike Road Company;

An act (House No. 22) to amend the act entitled an act to incorporate the German Reformed Synod of Ohio.

The following acts of the House were read the first time and passed:

An act to attach a part of the county of Jackson to the county of Ross;

An act to lay out and establish a state road in the counties of Licking, Muskingum and Cochocton;

Ordered, That the titles be as aforesaid and that the House be informed thereof.

The following bills of the Senate were read the third time and passed, to wit:

An act to incorporate the Bigelow High School of Xenia;

An act to change the name of the town of Plymouth in the south part of Plymouth township, to that of Richland, in the county of Richland;

Ordered that the titles be as aforesaid, and that the concurrence of the House be requested.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, viz:

A bill to lay out a state road through the counties of Wood, Henry, Putnam, Hancock, Allen and Hardin.

A bill to incorporate the Martinsburg Academy of Knox county.

The House has agreed to the resolution of the Senate requiring the Auditor of State, to procure evidence of entry purchase and grant of certain lands from Michigan Land offices.

The House has appointed Messrs. Buchanan, Corwin, and Witten, a committee on their part to wait on the Governor elect, and inform him of his election.

The House has agreed to the amendment of the Senate to the bill of the House, creating the office of county surveyor and defining his duties.

The House has passed a resolution in relation to the committee on Banks and the Currency, to which they request the concurrence of the Senate.

Attest,

W. H. BLODGET, Clerk.



The resolution of the House in relation to the committee on banks and the currency, was laid upon the table.

The Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE OFFICE OHIO, }  
Columbus Dec. 12, 1838. }

TO THE SENATE:

I will attend with the Secretary of State in your chamber, this day at three o'clock P. M. to open the returns for members to the 26th Congress, from this State.

Respectfully,  
JOSEPH VANCE.

His Excellency the Governor, and the Secretary of State, appeared within the Senate chamber, and proceeded to open and canvass the votes given for members of Congress in the State of Ohio, at the annual election holden on the 9th day of October A. D. 1838, as follows, to wit:

FIRST CONGRESSIONAL DISTRICT.

<i>Alexander Duncan.</i>	<i>N. G. Pendleton.</i>
Hamilton county,.....4,572.....	4,396

SECOND DISTRICT.

<i>John B. Weller.</i>	<i>John Beers.</i>
Butler county,.....2,925.....	1,455
Preble, .....1,197.....	1,755
Dark, .....755.....	800
<hr/>	<hr/>
4,877	4,010

THIRD CONGRESSIONAL DISTRICT.

<i>Patrick G. Goode.</i>	<i>William Sawyer.</i>
Montgomery county,.....2,512.....	2,806
Miami, .....1,628.....	1,110
Shelby, .....717.....	804
Lucas, .....757.....	466
Allen, .....537.....	594
Wood, .....545.....	325
Mercer, .....272.....	440
Putnam, .....223.....	356
Williams, .....225.....	308
Henry, .....116.....	100
Vanwert, .....57.....	59
<hr/>	<hr/>
7,589	7,368

## FOURTH CONGRESSIONAL DISTRICT.

	<i>Thomas Corwin.</i>	<i>Scattering.</i>
Warren county,.....	2,361.....	24
Highland,.....	2,039.....	
Clinton, .....	1,466.....	
	<hr/> 5,866	<hr/> 24

## FIFTH CONGRESSIONAL DISTRICT.

	<i>William Doan.</i>	<i>Daniel Fisher.</i>
Clermont county,.....	2,008.....	1,601
Brown, .....	1,547.....	1,185
Adams, .....	988.....	693
	<hr/> 4,543	<hr/> 3,479

## SIXTH CONGRESSIONAL DISTRICT.

	<i>Calvery Morris.</i>	<i>Joseph Morris.</i>
Washington county .....	1,374.....	1,253
Monroe, .....	438.....	1,380
Athens, .....	1,095.....	674
Gallia, .....	987.....	381
Lawrence, .....	751.....	316
Meigs, .....	676.....	333
	<hr/> 5,321	<hr/> 4,337

## SEVENTH CONGRESSIONAL DISTRICT.

	<i>William K. Bond.</i>	<i>Allen Latham.</i>
Ross county,.....	2,291.....	2,058
Fayettee,.....	745.....	746
Scioto, .....	853.....	605
Jackson, .....	490.....	657
Pike, .....	455.....	592
	<hr/> 4,834	<hr/> 4,658

## EIGHTH CONGRESSIONAL DISTRICT.

	<i>Joseph Ridgway.</i>	<i>John McElvain.</i>
Franklin county, .....	1,958.....	1,700
Delaware, .....	1,759.....	1,681
Pickaway, .....	1,586.....	1,716
Marion, .....	928.....	937
Madison, .....	685.....	518
	<hr/> 6,916	<hr/> 6,552

## NINTH CONGRESSIONAL DISTRICT.

	<i>William Medill.</i>	<i>John M. Creed.</i>
Fairfield county,.....	2,719.....	1,606
Perry,.....	1,738.....	896
Morgan,.....	1,536.....	946
Hocking,.....	798.....	281
	<hr/> 6,792	<hr/> 3,729

## TENTH CONGRESSIONAL DISTRICT.

	<i>Samson Mascn.</i>	<i>Rowland Brown.</i>
Green county,.....	1,538.....	1,025
Champaign, ..	1,406.....	986
Clark,.....	1,576.....	758
Logan,.....	1,139.....	746
Hancock,.....	500.....	819
Union,.....	618.....	455
Hardin,.....	220.....	251
	<hr/> 6,997	<hr/> 5,040

## ELEVENTH CONGRESSIONAL DISTRICT.

	<i>Isaac Parrish.</i>	<i>James Alexander, jr.</i>
Belmont county,.....	2,581.....	2,310
Guernsey, .....	2,111.....	1,910
	<hr/> 4,692	<hr/> 4,220

## TWELFTH CONGRESSIONAL DISTRICT.

	<i>Jonathan Taylor.</i>	<i>Alexander Harper.</i>
Muskingum county,.....	2,542.....	3,136
Licking,.....	3,126.....	2,211
	<hr/> 5,668	<hr/> 5,347

## THIRTEENTH CONGRESSIONAL DISTRICT.

	<i>Daniel P. Leadbetter.</i>	<i>James S. Irwin.</i>
Knox county,.....	2,647.....	1,903
Tuscarawas,.....	1,615.....	1,636
Coshocton, .....	1,840.....	1,233
Holmes,.....	1,413.....	783
	<hr/> 7,515	<hr/> 5,555



## FOURTEENTH CONGRESSIONAL DISTRICT.

	<i>George Sweeney.</i>	<i>Joseph M. Root.</i>
Richland county, . . . . .	3,362	1,812
Huron, . . . . .	2,317	2,517
Seneca, . . . . .	1,172	938
Crawford, . . . . .	953	635
Sandusky, . . . . .	797	752
	<hr/>	<hr/>
	8,601	6,354

## FIFTEENTH CONGRESSIONAL DISTRICT.

	<i>John W. Allen.</i>	<i>John W. Willey.</i>
Portage county, . . . . .	3,249	3,042
Cuyahoga, . . . . .	2,377	1,726
Lorain, . . . . .	1,529	1,497
Medina, . . . . .	1,645	1,293
	<hr/>	<hr/>
	8,800	7,558

## SIXTEENTH CONGRESSIONAL DISTRICT.

	<i>Joshua R. Giddings.</i>	<i>Benjamin Bissell.</i>
Trumbull county, . . . . .	3,334	3,276
Geauga, . . . . .	2,330	1,554
Ashtabula, . . . . .	1,917	726
	<hr/>	<hr/>
	7,581	5,556

## SEVENTEENTH CONGRESSIONAL DISTRICT.

	<i>John Hastings.</i>	<i>Charles D. Coffin.</i>
Columbiana county, . . . . .	3,463	2,890
Carroll, . . . . .	1,489	1,459
	<hr/>	<hr/>
	4,952	4,349

## EIGHTEENTH CONGRESSIONAL DISTRICT.

	<i>David A. Starkweather.</i>	<i>Hiram B. Wellman.</i>
Stark county, . . . . .	3,108	2,180
Wayne, . . . . .	3,046	1,830
	<hr/>	<hr/>
	6,154	4,010

## NINETEENTH CONGRESSIONAL DISTRICT.

	<i>Henry Swearingen.</i>	<i>Samuel Stokely.</i>
Jefferson county, . . . . .	2,283	1,917
Harrison, . . . . .	1,753	1,672
	<hr/>	<hr/>
	4,036	3,589

The Governor then retired from the Senate chamber.

On motion of Mr. McLaughlin,

The Senate adjourned.

Attest,

C. J. McNULTY, *Clerk.*

THURSDAY, *December 13, 1838.*

The Senate met pursuant to adjournment.

Mr. Morris presented a petition from citizens of the counties of Highland and Clinton, praying the incorporation of a company to construct a turnpike road through said counties; which was referred to the standing committee on railroads and turnpikes.

Mr. Smith presented a petition from citizens of the town of Mason, in the county of Warren, praying for an act of incorporation; which was referred to Mr. Smith.

Mr. Smith presented a petition from male and female residents of the counties of Warren, Shelby, Butler, Miami, Clermont and Hamilton, praying the incorporation of the literary and botanic medical college of Ohio; which was referred to the standing committee on medical colleges and societies.

Mr. Stadden presented the petition of William Spencer and Alpheus Channel, praying for further compensation for labor done on the fourth section and fourth division of the new reservoir of the Ohio canal; which was referred to the standing committee on canals.

Mr. Allen presented a petition from citizens of Delaware county, praying the erection of the new county of Benton; which was referred to the standing committee on new counties.

Mr. Walton, from the standing committee on the judiciary, which had been instructed to inquire what amendments, if any, were necessary to the act allowing and regulating writs of attachment before justices of the peace, reported a bill to amend the act entitled an act allowing and regulating writs of attachment before justices of the peace; which was read the first time.

Mr. Walton, from the standing committee on the judiciary, to which had been recommitted the bill, (H. No. 13,) to provide for the safe keeping of the Journals of the General Assembly, reported the same back with sundry amendments; which were agreed to.

Ordered to be engrossed, and with the bill to be read a third time to-morrow, in order to its final passage.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, viz:

A bill to incorporate the Rockport lyceum, in the county of Cuyahoga;

A bill fixing a time at which laws of a general nature shall take effect;

A bill to divorce Harriet Houck from her husband Jonathan T Houck;

A bill to lay out and establish a State road in the counties of Wood, Henry, Putnam, Hancock, Allen and Hardin;

A bill to incorporate the Miamisburg fire insurance company.

The House has passed the following bills of the Senate with amendments, to which they ask the concurrence of the Senate, viz:

A bill to amend the act entitled an act to incorporate the town of Wilmington, in the county of Clinton.

A bill to lay out and establish a State road in the counties of Richland and Wayne.

The House has passed the following bills of the Senate without amendment, viz:

A bill for the relief of Demas Adams;

A bill to authorize the courts for the county of Vanwert to be held at the county seat thereof.

The following bills have been reported to the House and read the first time, viz:

A bill further to amend the act entitled an act concerning divorce and alimony, passed January 7th, 1834;

A bill for the relief of John Wolf;

A bill to amend the act prescribing the duties of supervisors, and relating to roads and highways, passed March 20th, 1837;

A bill for the relief of David Hayward and Thomas Sands.

The House has passed the following bill, to which the concurrence of the Senate is requested:

A bill to amend an act entitled an act to incorporate the Marietta and Newport road and bridge company.

The House has agreed to the amendment of the Senate to the following bills of the House:

A bill to lay out a State road in the counties of Licking, Muskingum and Coshocton;

A bill to attach a part of the county of Jackson to the county of Ross.

The bills of the House were severally read the first time.

The amendments of the House to the bills of the Senate were severally concurred in.

Ordered that the House be informed thereof.

The resolution of the House was amended and agreed to.

Ordered that the House be informed thereof.

The Speaker laid before the Senate a communication from the Governor, covering an answer from the Secretary of State to the resolution of the Senate, in relation to the expiration of the term of certain associate judges; which was ordered to lie upon the table.

The Speaker also laid before the Senate a communication from the Governor, informing the General Assembly that the term of office of William Blackburn, receiver, and V. D. Enyeart, register of the land office at Lima, would expire on the first of May next; which was laid upon the table.



On motion of Mr. Green,

The Senate resolved itself into a committee of the whole, Mr. Oliver in the chair, on the bill (S. No. 10,) to revive and amend an act entitled "an act to incorporate the Circleville and Washington turnpike company," and after some time spent therein, the committee rose, reported progress, and asked leave to sit again.

The Speaker laid before the Senate a communication from the Governor, accompanied with copies of the reports of the president and directors of the Zanesville and Maysville turnpike road company, in compliance with a resolution of the Senate calling for the same; which was ordered to lie upon the table.

Mr. Wade gave notice that on to-morrow or on some subsequent day of the present session, he would ask leave to introduce a bill to repeal the act entitled an "act to authorize a loan of credit by the State of Ohio to railroad companies, and to authorize subscriptions by the State to the capital stock of turnpike, canal and slackwater navigation companies," passed March 27th, 1837.

A message from the House of Representatives.

Mr. Speaker:

The hall of the house is now ready for the reception of the Senate, to witness the inauguration of the Governor elect.

Attest,

W. H. BLODGET, *Clerk.*

The Senate then, preceded by their Speaker and Clerk, repaired to the hall of the House of Representatives, and being seated within the bar, the Governor elect appeared, conducted by the ex-Governor, and attended by the judges of the supreme court and officers of State, and was seated between the Speakers of the two houses.

He then arose and delivered the following inaugural address:

(See Address at the end of Appendix to this vol.)

The Hon. Ebenezer Lane, Chief Justice of the State, then administered the oath of office.

The Governor, ex-Governor, judges and officers of State, then retired, and the Senate returned to their chamber.

On motion of Mr. McLaughlin,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

---

FRIDAY, December 14, 1838.

The Senate met pursuant to adjournment.

Mr. McLaughlin presented petitions from citizens of the counties of Richland and Crawford, praying the erection of a new county to be called York; which was referred to the standing committee on new counties.

Mr. Allen presented petitions from citizens of Marion county, pray-

ing the erection of a new county to be called Benton; which was referred to the standing committee on new counties.

Mr. Birch presented petitions from citizens of Medina county, praying the erection of a new county, the county seat thereof at Akron; which were referred to the standing committee on new counties.

Mr. Matthews presented a petition from citizens of the county of Holmes, praying the extension of the Walhonding canal up the Kilbuck river to Millersburg, in said county; which was referred to the standing committee on canals.

Mr. McLaughlin presented petitions from citizens of Mont'gomery township, Richland county, praying the passage of an act authorizing the land holders of section sixteen in said township, to surrender their leases and take certificate of purchase for said lands; which was referred to the standing committee on schools and school lands.

Mr. Powers presented petitions from citizens of the counties of Portage and Stark, praying the erection of a new county, the county seat thereof to be at Akron; which were referred to the standing committee on new counties.

Mr. McLaughlin presented a petition from citizens of the county of Richland, praying the erection of a new county to be called Benton; which was referred to the standing committee on new counties.

Mr. Saylor, from the select committee, to which had been recommended the bill to incorporate the Winchester Fire Association, reported the same back with sundry amendments, which were agreed to, and the bill was ordered to be engrossed for its third reading in order to its final passage on to-morrow.

Mr. Smith, from the select committee to which the petition on that subject had been referred, reported a bill to incorporate the town of Mason, in the county of Warren, which was read the first time.

The following bills were severally read the 2nd time and committed to a committee of the whole Senate and made the order of the day for this day:

(S. No. 1.) A bill to amend the act entitled, an act allowing and regulating writs of attachment before justices of the peace;

(H. No. 25.) A bill to incorporate the Rockport Lyceum in the county of Cuyahoga;

(H. No. 24.) A bill fixing the time at which laws of a general nature shall take effect;

(H. No. 27.) A bill to lay out and establish a State road in the counties of Wood, Henry, Putnam, Hancock, Allen and Hardin;

(H. No. 23.) The bill to incorporate the Miamisburg fire insurance company;

(H. No. 26.) An act to amend an act entitled, an act to incorporate the Marietta and Newport turnpike road and bridge company,

The bill to divorce Harriet Houck from her husband Jonathan T. Houck, was read the second time, and

On motion of Mr. Smith,

Recommitted to the standing committee on the judiciary.

The bill (H. No. 13) to provide for the safe keeping of the Journals of the General Assembly, was read the third time, and

On motion of Mr. McLaughlin,

Recommitted to the standing committee on the judiciary.

On motion of Mr. Green,

The Senate resolved itself into a committee of the whole, Mr. Oliver in the chair, on the bill to revive and amend the act entitled, an act to incorporate the Circleville and Washington turnpike company, and the same was reported back without amendment, amended and laid upon the table.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill to which the concurrence of the Senate is requested:

A bill to authorize the town council of the town of Newark to open, lay out and widen certain streets and alleys in said town.

The following bills have been reported to the House, and read the first time, to wit:

A bill to authorize Abraham Holm to exhibit the skeleton of the gigantic Mastodon;

A bill to vacate part of a State road in the county of Columbiana;

A bill defining the duties of the canal commissioners, the canal fund commissioners, and the Auditor of State;

A bill to incorporate the Wellsville and Cleveland M'Adamized road company.

The House has disagreed to the amendment of the Senate to the resolution of the House providing for the election of certain judges for the ninth judicial district.

Attest,

W. H. BLODGET, *Clerk.*

The bill of the House was read the first time.

On motion of Mr. Holmes,

The Senate receded from their amendment to the resolution of the House in relation to the election of certain judges.

Ordered that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill to which the concurrence of the Senate is requested, to wit:

A bill making special appropriations for the year 1838.

The following bills have been reported to the House and read the first time, to wit:

A bill to authorize the trustees of the school district composed of the corporate limits of the town of Gallipolis, in the county of Gallia, to borrow money for school purposes;

A bill to incorporate the presbyterian church of Zanesville;

The House has passed a resolution in relation to printing a certain



number of copies of the Governor's inaugural address, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The bill of the House was read the first time.

The resolution of the House was agreed to.

Ordered, that the House be informed thereof.

On motion of Mr. Tod,

The Senate took up the resolution of the House in relation to making the committee of the two Houses, on the subject of the banks and the currency, a joint committee.

Mr. Thompson moved to amend the resolution by striking out all after the word "Representatives," and insert two members on the part of the Senate and — members on the part of the House be appointed, to be constituted a joint select committee on the currency.

The question being on agreeing to the amendment,

Mr. Thompson called for the yeas and nays, which were taken, and were yeas 18, nays 18, as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, McLaughlin, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Thompson, Thomas, Tracy, Vanmetre, Wade, and White—18.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, James, Matthews, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Walton, and Speaker—18.

The amendment was therefore lost.

On motion of Mr. Utter,

The resolution was then laid upon the table.

On motion of Mr. Saylor,

The bill to extend the time of payment for section 16, in Lemon township, in Butler county, was taken up, and pending the same,

On motion of Mr. Thomas,

The Senate adjourned.

Attest,

C. J. McNULTY, *Clerk.*

---

SATURDAY, December 15, 1838.

The Senate met pursuant to adjournment.

Mr. Birch presented a petition from citizens of the county of Medina, praying the erection of a new county the county seat thereof to be at Akron; which was referred to the standing committee on new counties.

Mr. McLaughlin presented a petition from citizens of Richland county, praying the extension of the Walhonding and Mohican canal up the Clear fork of the Mohican to the town of Lexington, in said county; which was referred to the standing committee on canals.

Mr. Powers presented a petition from citizens of Portage county, praying the erection of a new county, the county seat thereof to be at Akron; which was referred to the standing committee on new counties.

Mr. White presented the petition of the commissioners of Scioto county, for the passage of a law authorizing them to make additional compensation to the contractors for building the court-house of said county; which was referred to Mr. White.

Mr. Walton presented the proceedings of a meeting of the citizens of Gurnsey county; praying the passage of an act authorizing a vote of said county to be taken on the question of a removal of the seat of justice of said county; which was referred to Mr. Walton.

Mr. Walton, from the standing committee on the judiciary, to which had been referred the petition of Hugh Murry, for a divorce from his wife, Margaret Murry, made the following report, which was ordered to lie on the table.

( See Appendix, A; p. 1.)

Mr. Smith, from the standing committee on the judiciary, to which had been referred the petition of Urias Keeler and Phebe Keeler, otherwise called Phebe Dunbar, praying that the said Phebe may be divorced from her husband, Ananias Dundar, made the following report, which was ordered to lie upon the table.

( See Appendix, B; p. 3.)

The bill to divorce Phebe Dunbar, otherwise called Phebe Keeler, from her husband, Ananias Dunbar, was read the first time.

Mr. Cox, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled the following acts, to wit:

An act for the relief of Demas Adams;

An act to amend the act entitled "An act to incorporate the town of Wilmington, in the county of Clinton;"

An act to authorize the courts for the county of Vanwert to be held at the county seat thereof.

Mr. Tod, from the standing committee on the judiciary, to which had been referred the petition of Samuel B. Spear, for a divorce from his wife, Lucy D. Spear, made the following report, which was ordered to lie upon the table, to wit:

( See Appendix Z; p. 91.)

Mr. Walton, from the standing committee on the judiciary, to which had been recommitted the bill ( H. No. 13) to provide for the safe keeping of the Journals of the General Assembly, reported the same back without amendment, and the question being, Shall the bill pass? it was taken and decided in the affirmative, and the bill was passed.

Ordered, that the title be as aforesaid, and that the House be informed thereof.

The following bills were then severally read the second time, committed to the committee of the whole Senate, and made the order of the order of the day for this day, to wit:

(S. 18.) A bill to incorporate the town of Mason, in the county of Warren;

(H. 12.) A bill to authorize the town council of the town of New-ark to open, lay out, and widen certain streets and alleys in said town;

(H. 29.) A bill making special appropriation for the year 1838.

The bill of the Senate to incorporate the Winchester Fire Association, was read the third time and passed.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

The Speaker laid before the Senate a communication from the adjutant-general, which was ordered to lie upon the table.

(See Vol. of Documents, No. 15.)

On motion of Mr. Ihrig,

So much of the unfinished business of the last session as relates to the improvement of the navigation of the Chippewa and Kilbuck waters, was taken up and referred to the standing committee on canals.

On motion of Mr. Rogers,

So much of the unfinished business of the last session as relates to the removal of the seat of justice of Lawrence county, was taken up and referred to the standing committee on new counties.

On motion of Mr. Saylor,

The Senate took up the bill (H. No. 10.) to extend the time of payment of section 16, in Lemon township, in Butler county; and

On motion of Mr. Smith,

The same was recommitted to the standing committee on schools and school lands, with instructions to inquire into the expediency of making its provisions general, on the subject to which it relates.

Mr. Tracy gave notice, that on Monday or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate a fire association in the town of Huron, in Huron county.

Mr. McLaughlin gave notice that on Monday or some subsequent day of the present session, he would ask leave to introduce a bill for the relief of Hugh Murry.

Mr. Birch gave notice, that on Monday or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the First Congregational Society of Bridgeville, in the county of Lorain.

Mr. Birch also gave notice, that he would on Monday or some subsequent day of the present session, ask leave to introduce a bill to incorporate the Etna fire company of Elyria, Lorain county.

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled resolutions and bills, to which the signature of the Speaker of the Senate is requested, to wit:

A resolution in relation to printing certain copies of the Governor's Message;

A resolution appointing a joint select committee, to inquire what laws, if any, require revision;

A resolution for the relief of Jno. Cook;

An act to amend the act to incorporate the south toll bridge company at the town of Athens, in the county of Athens, passed March 14th, 1838;



An act to amend the act creating the office of county surveyor and defining his duties.

Attest,

W. H. BLODGET, *Clerk.*

The Speaker of the Senate signed the enrolled bills and resolutions from the House.

On motion of Mr. Utter,

The Senate resolved itself into a committee whole, Mr. Thomas in the chair, on the bill (H. No. 5.) to incorporate the particular baptist church of Granville, in the county of Licking, and the same was reported back without amendment, and ordered to its third reading in order to its final passage on Monday next.

On motion of Mr. Holmes,

The Senate resolved itself into a committee of the whole, Mr. Vanmetre in the chair, on the bill (H. No. 16) to lay out and establish a State road in the counties of Paulding and Williams, and the same was reported back with one amendment.

On motion of Mr. Walton,

The further consideration of bill, with the pending amendment, was then indefinitely postponed.

Mr. James gave notice, that on Monday next he would ask leave to introduce a bill to authorize the commissioners of Champaign county to borrow money.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills of the Senate, to wit:

A bill to change the name of the town of Plymouth, in the south part of Plymouth township, to that of Richland, in the county of Richland;

A bill to incorporate the first Presbyterian Church and Society in the town and county of Huron;

A bill to incorporate the Bigelow High School of Xenia.

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill further to amend the act entitled an act concerning divorce and alimony, passed 7th January, 1824;

A bill to divorce William Mankins from his wife, Mahala Mankins;

A bill to create a school district in the corner of Wood, Hancock, and Seneca counties;

A bill to incorporate the Fairfield library association, in the county of Huron;

A bill to amend the 15th section of the act granting licenses and regulating taverns.

The following bills have been reported to the House and read the first time, to wit:

A bill to prohibit the issuing and circulation of small bills;

A bill to incorporate the Muc-qua-tia-mishakia-ka-qua-wen-de-takas, or Black Hawk Braves, of the town of Lancaster;

A bill to divorce Philip Weider from his wife, Rebecca Weider;

A bill to incorporate the Johnston Lyceum, in the county of Licking.

The House has passed a resolution for a review of the seat of justice of Williams county, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

Mr. Thomas gave notice, that on Monday next he would ask leave to introduce a bill for the relief of jurors in certain cases.

A message from the House of Representatives.

Mr. Speaker:

The hall of the House is now ready for the reception of the Senate, to proceed to the election of one President Judge, and two Associate Judges for the 9th Judicial Circuit of Ohio.

Attest,

W. H. BLODGET, *Clerk.*

The Senate then, preceded by their Speaker and Clerk, repaired to the hall of the House of Representatives, and being seated within the bar, both Houses proceeded in accordance with their joint resolution adopted previously, to the election of a President Judge for the ninth judicial circuit, and two Associate Judges for the county of Hamilton, when the following was the result:

#### FOR PRESIDENT JUDGE,

Nathaniel C. Read, had .....57 votes.

Oliver M. Spencer, jr., .....51 "

N. C. Read, having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected President Judge of the ninth judicial circuit, to serve for the constitutional term of seven years from and after the the present session of the General Assembly.

#### FOR ASSOCIATE JUDGES OF HAMILTON COUNTY.

Israel Brown had .....63 votes.

Richard Ayres, .....60 "

John B. Ennis, .....39 "

James Glenn, .....37 "

Blanks and scattering, .....6 "

Israel Brown and Richard Ayres having received a majority of all the votes given, were by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected Associate Judges for the county of Hamilton, to serve during the constitutional term of seven years, from and after the present session of the General Assembly.

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bills, to which the signature of the Speaker of the Senate is requested:

A bill to amend the act entitled "An act to incorporate the town of Wilmington, in the county of Clinton;"

A bill to authorize the courts for the county of Vanwert to be held at the county seat thereof;

A bill for the relief of Demas Adams.

Attest,

W. H. BLODGET, *Clerk.*

The Speaker signed the enrolled bills from the House.

On motion of Mr. Stadden,

The Senate then adjourned.

Attest,

C. J. M'NULTY, *Clerk.*

MONDAY, December 17, 1838.

The Senate met pursuant to adjournment.

Mr. M'Laughlin presented a petition from citizens of Richland county, praying the extension of the Wathoning canal, up the Clearfork of the Mohican to Lexington in said county; which was referred to the standing committee on canals.

Mr. Rogers presented petitions from citizens of Lawrence county, praying the removal of the seat of justice of said county; which were referred to the standing committee on new counties.

Mr. Ihrig presented a petition from the citizens of the county of Wayne, praying the construction of a canal from Apple creek in the vicinity of Woodster, to intersect the Ohio canal at Clinton, or at the south end of the Akron summit; which was referred to the standing committee on canals.

Mr. Wade presented a petition from citizens of Geauga county, praying the passage of an act for the protection of property wrecked on Lake Erie within the limits of this State; which was referred to the standing committee on the judiciary.

Mr. M'Laughlin presented a petition from citizens of Richland, praying an amendment of the charter of the New Haven and Mansfield railroad company, so as to remove or modify the restrictions upon the charges for transportation of property on said road; which was referred to a select committee of two, Messrs. M'Laughlin and Tracy.

Mr. Birch presented petitions from citizens of Medina county, praying the erection of a new county, the county seat thereof, to be at Akron; which was referred to the standing committee on new counties.

Mr. Powers presented a petition from citizens of the county of Portage, praying the erection of a new county, the county seat thereof, to be at Akron; which was referred to the standing committee on new counties.

Mr. Cox, from the standing committee on enrollment, reported that said committee had deposited in the office of the secretary of State, and taken his receipt for the following enrolled acts and resolutions, to wit:



An act to amend the act entitled an act to incorporate the town of Wilmington in the county of Clinton;

An act to amend the act creating the office of county surveyor and defining his duties;

An act to amend the act to incorporate the South toll bridge company at the town of Athens in Athens county, passed March 14, 1838;

An act to authorize the courts for the county of Vanwert to be held at the county seat thereof;

An act for the relief of Demas Adams;

Resolution for the relief of John Cook;

Resolution in relation to printing certain copies of the Governor's annual message;

Resolution appointing a joint select committee to inquire what laws (if any,) require a revision.

Mr. Cox also reported that the committee had examined and found duly enrolled a resolution directing the secretary of State to furnish certain copies of the laws of Ohio to the clerk of the court of common pleas of Erie county.

The following bills were then severally read the second time, committed to a committee of the whole, and made the order of the day for this day, to wit:

(S. No. 19.) A bill to divorce Phoebe Dunbar, otherwise called Phoebe Keelar, from her husband Ananias Dunbar;

(H. No. 33.) An act to create a school district in the corner of Wood, Hancock and Seneca counties;

(H. No. 34.) An act to incorporate the Fairfield library association in the county of Huron.

The following bills were read the second time, and re-committed to the standing committee on the judiciary:

(H. No. 31.) An act to amend the 15th section of the act granting licenses and regulating taverns;

(H. No. 35.) A bill further to amend the act entitled an act concerning divorce and alimony, passed January 7, 1824;

(H. No. 32.) A bill to divorce William Mankins from his wife Mahala Mankins.

The following act of the House was read the third time and passed, to wit:

An act to incorporate the particular baptist church of Granville in the county of Licking.

Ordered that the title be as aforesaid and that the House be informed thereof.

Mr. Matthews offered the following resolution, which was agreed to, to wit:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of passing a law fixing the rates to be received by proprietors of stage coaches from passengers on the different roads throughout this State, and making it penal for any proprietor or owner of a stage coach or hack to demand or receive a higher rate of fare per mile than he may be authorized to do by law.

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Todd in the chair, on the bill, (S. No. 11,) authorizing a revaluation of section twenty-nine in the original surveyed township, number four, in the second entire range between the Miami rivers, in Warren county; and the same was reported back without amendment—amended and ordered to be engrossed for its third reading in order to its final passage on to-morrow.

On motion of Mr. Thompson,

The Senate took up the bill, (S. No. 10,) to revive and amend an act entitled “an act to incorporate the Circleville and Washington turnpike road company;” and the same was amended, and laid upon the table.

On motion of Mr. Matthews,

So much of the unfinished business of the last session as relates to the extension of the Walhonding Canal up the Kilbuck river to Millersburgh, in Holmes county, was taken up and referred to the standing committee on canals.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill authorizing the acts of a general nature to be published in a newspaper, weekly, and sent by mail to the clerks and auditors of the several counties in this State;

A bill authorizing the auditor of Gallia county to receive the surrender of certain leases of school lands therein named and to give certificates of purchase therefor;

A bill to authorize the county commissioners of Crawford county to borrow money.

The House has passed a resolution authorizing and requiring the board of canal commissioners to survey a route for a canal from the Cuyahoga feeder to the mouth of Grand river; to which the concurrence of the Senate is requested.

The House has disagreed to the fourth amendment of the Senate to the bill of the House, to provide for the preservation and safe keeping of the journals of the General Assembly, and also to the fifth amendment to the same bill, which provides that the third section be stricken out; and agreed to the other amendments.

Attest,

W. H. BLODGET, *Clerk.*

The bills of the House, with the amendments, were laid upon the table.

The resolution of the House was referred to the standing committee on canals.

On motion of Mr. Thompson,

The bill to revive and amend the act entitled an act to incorporate the Circleville and Washington Turnpike Company was taken up.

The question being on the adoption of the following amendment to come in as section 9:

That should the Governor hereafter be called upon by the directors of said company, under the provisions of the act entitled, an act authorizing a loan of credit by the State of Ohio to rail road companies, and to authorize subscriptions on the part of the State to the capital stock of turnpike, canal, and slack-water navigation companies, passed March 24, 1837; he shall not, in computing the amount of stock subscribed by individuals, include any subscription which may be made under the provisions of the 4th and 5th sections of this act.

Mr. Morris called for the yeas and nays, which were ordered, and were, yeas 18, nays 17, as follows, to-wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, Powers, Saylor, Shideler, Stadden, Thompson, Thomas, Tod, Tracy, Utter and Walton—18.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Spangler, Vanmetre, Wade, White and Speaker—17.

So the amendment was agreed to.

Mr. Tracy, who voted with the majority on the adoption of the above amendment, moved a re-consideration of the vote by which the same was adopted; which was agreed to.

On motion of Mr. Ihrig, the bill with the pending amendments was laid on the table.

Mr. Wade, pursuant to previous notice, asked and obtained leave to introduce a bill to repeal the act entitled, "an act to authorize a loan of credit by the State of Ohio to rail road companies, and to authorize subscriptions by the State to the capital stock of turnpike, canal, and slack-water navigation companies," passed March 24, 1837; which was read the first time.

On motion of Mr. Ihrig,

The Senate resolved itself into a committee of the whole, Mr. Morris in the chair, on the bill (H. No. 17,) to lay out and establish a State road in the counties of Williams, Henry, and Lucas; and the same was reported back with one amendment.

On motion of Mr. Smith,

The bill, with the pending amendments, was re-committed to the standing committee on roads and highways.

The Speaker laid before the Senate a communication from the Governor, in answer to a resolution of the Senate, calling for a copy of the reports, and lists of valuation of the commissioners appointed under the provisions of an act relating to the management and sale of certain canal lands in the State of Ohio, to appraise all the Miami canal lands remaining unsold; which was ordered to lie upon the table.

(See vol. *Public Documents*, No. 19.)

On motion of Mr. Smith,

The committee of the whole were discharged from the further consideration of the bill (H. No. 8.) to incorporate the first presbyterian church and society, in the township of Bristol, in the county of Trumbull; and the same was taken up and ordered to a third reading, in order to its final passage on to-morrow.



On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Matthews in the chair, on the bill (H. No. 19,) for the relief of W. H. Starrett; when the same was reported back without amendment, and

On motion of Mr. Holmes,

Re-committed to the standing committee on the judiciary.

On motion of Mr. Walton,

The report of the select committee on the standing rules for the government of the Senate, was taken up and made the special order of the day for this day.

On motion of Mr. Walton,

The Senate resolved itself into a committee of the whole, Mr. Spangler in the chair, on the report of the select committee on the standing rules for the Senate: and the same were reported back with sundry amendments.

On motion of Mr. Green,

The report, with the pending amendments, were laid upon the table.

Mr. Thomas, pursuant to previous notice, asked and obtained leave to introduce a bill for the relief of jurors in certain cases; which was read the first time.

On motion of Mr. Holmes,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

TUESDAY, DECEMBER 18, 1838.

The Senate met pursuant to adjournment.

Mr. McLaughlin presented a petition from citizens of Richland county, praying the extension of the Walhonding canal, up the Clearfork of the Mohican, to the town of Lexington, in said county; which was referred to the standing committee on canals.

Mr. Birch presented petitions from citizens of the county of Medina, for the erection of a new county, the county seat thereof to be at Akron; which were referred to the standing committee on new counties.

Mr. Birch presented a remonstrance from citizens of Medina county, against the erection of the proposed new county, the county seat thereof to be at Akron; which was referred to the standing committee on new counties.

Mr. Powers presented petitions from citizens of Portage county, praying the erection of a new county, the county seat thereof to be at Akron; which were referred to the standing committee on new counties.

Mr. Cox, from the joint committee on enrollment, reported that said committee had examined, and found duly enrolled, an act to incorporate the First Presbyterian church and society in the town and county of Huron.

Mr. Fuller from the standing committee on schools and school lands, to which had been recommitted bill (H. No. 10) to extend the time of payment for section 16, in Lemon township, in Butler county, made the following report:

The standing committee on schools and school lands, to whom was recommitted bill No. 10 of the House, entitled "An act extending the time of payment for section sixteen, in Lemon township, Butler county," with instructions to inquire into the expediency of passing a general law extending the time of payment on all debts due the State for school lands sold under the authority of the laws, and not yet paid for, have had the same under consideration, and beg leave to report:

That they have had the said instructions under consideration, but have not been able, from any source of information within their reach, to ascertain the amount of money due for school lands, but have reason to believe that the superintendent of common schools will, in a few days, report to the legislature all the information that he has, by the most assiduous industry, been able to collect on that subject. The lands in question have been sold on a liberal credit, under the laws of the State; and your committee are not aware that any general complaint exists of the operation of these laws, as far as the payments are concerned. Individual cases of hardships, resulting from the misfortunes of the debtors, may occur, which would render the interposition of the legislature advisable in particular cases. These must be judged of by the facts connected with each particular case. But a general law deferring, for several years, all the payments not yet due, your committee believe to be uncalled for and inexpedient. The very few petitions that have been presented for an extension of the time of payment, cannot, in the opinion of your committee, be considered as evidence of a general wish to have the payments deferred. A general law of that kind would operate as a system of loans of small sums to individuals over a large portion of the State, and must be accompanied by an extensive and complicated system of accounts, that in the opinion of your committee, both the interest of the State and of individuals requires should be avoided. Your committee are also informed, that in several of the tracts of school lands that have been sold, the principal value consists either in the timber growing on the land, or in minerals contained in the soil. An extension of the time of payment would give opportunity to those disposed to avail themselves of it, to remove from the land everything of value, and then abandon it to the State without payment, and worth far less than when sold.

For these reasons, your committee are fully of the opinion that a general law extending the time of payment for the school lands would be inexpedient; and report back the bill without amendment.

The question being on ordering the bill to be engrossed for its third reading in order to its final passage, the yeas and nays having been ordered, they were taken, and were—yeas 16, nays 17—as follows, to wit:

Yeas—Messrs. Allen, Birch, Brady, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, Morris, Powers, Spangler, Saylor, Shideler, Stadden, and Wade—16.

Nays—Messrs. Bates, Cox, Green, James, McLaughlin, Oliver, Rodgers, Smith, Thompson, Tod, Thomas, Tracy, Utter, Vanmeter, Walton, White, and Speaker—17.

So the question was lost.

The following bills were then read a second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 20.) A bill to repeal the act entitled "An act to authorize a loan of credit by the State of Ohio to railroad companies, and to authorize subscriptions by the State to the capital stock of turnpike, canal, and slackwater navigation companies," passed March 24, 1837;

(S. No. 21.) A bill for the relief of jurors in certain cases.

The following bill of the Senate was read a third time and passed to wit:

An act authorizing a revaluation of section 29, in the original surveyed township number four, in the second entire range between the the Miami rivers in Warren county.

Ordered that the title be as aforesaid, and that the concurrence of the House be requested.

The following act of the House was read the third time and passed, to wit:

An act to incorporate the First Congregational and Presbyterian church and society in the township of Bristol, in the county of Trumbull.

Ordered that the title be as aforesaid, and that the House be informed thereof.

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Thomas in the chair, on the bill (H. No. 29,) making special appropriation for the year 1838, and the same was reported back without amendment, and

On motion of Mr. Thomas,

Recommended to the standing committee on finance.

Mr. McLaughlin moved a reconsideration of the vote by which the question on the engrossment for a third reading, of the bill extending the time of payment for section 16, in Lemon township, in Butler county was lost, which was agreed to, and the bill was then,

On motion of Mr. Ihrig,

Recommended to a select committee of one—Mr. Taylor.

On motion of Mr. McLaughlin,

The Senate took up the bill of the House to provide for the safe keeping of the Journals of the General Assembly, when the Senate insisted upon the third, fourth, and fifth amendment to the same, to which the House had disagreed.

Ordered that the House be informed thereof.



A message from the House of Representatives.

Mr. Speaker:

The House has passed a resolution providing for the election of one United States Senator, on Thursday the 20th of December, A. D. 1838, in which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk*.

The resolution of the House was agreed to.

Ordered that the House be informed thereof.

Mr. Matthews offered the following resolution, which was ordered to lie upon the table, to wit:

*Resolved by the General Assembly of the State of Ohio*, (Two thirds of each branch concurring therein) that it is necessary to amend the constitution of the State of Ohio, and do hereby recommend to the electors of the several counties in said State at the next election for members of the General Assembly, to vote for or against a convention agreeably to the provisions of the fifth section of the seventh article of the constitution for the special purpose of so amending the same, that associate Judges of the courts of common pleas, and clerks of the common pleas and supreme courts, shall be elected by the legal voters of their respective counties in the same manner that other State and county officers are elected, and to limit the term of said offices to six years; and the judges of the election held within each township in the State, shall receive and transmit with the return of votes given for members of the General Assembly, to the clerk of the court of common pleas, within their respective counties, a statement of all votes given within the several townships for and against a convention, and the clerks of the courts of common pleas in the several counties within this State, are directed to include in the general abstract of votes given within their respective counties for members of the General Assembly, a statement of the number of votes returned to their respective offices for and against a convention for the specific purpose aforesaid, and forward the same to the Secretary of State's office, previous to the next session of the General Assembly.

On motion of Mr. Ihrig,

The Senate resolved itself into a committee of the whole, Mr. Rodgers in the chair, on bill (H. No. 22,) to amend the act entitled, an act to incorporate the German Reform Synod of Ohio, and the same was reported back without amendment, and ordered to its third reading, in order to its final passage on Thursday next.

On motion of Mr. Holmes,

The Senate again resolved itself into a committee of the whole, Mr. Bates in the chair, on the bill (H. No. 20,) to incorporate the New Lexington branch of the Zanesville and Maysville Turnpike road company, and the same was reported back without amendment, and ordered to its third reading, in order to its final passage on Thursday next.

On motion of Mr. McLaughlin,

The Senate again resolved itself into a committee of the whole, Mr. Stadden in the chair, on the bill (S. No. 14,) to authorize the com-

missioners of Wood county to borrow money, which was reported back without amendment, and ordered to be engrossed for its third reading, in order to its final passage on Thursday next.

On motion of Mr. Matthews,

The Senate again resolved itself into committee of the whole, Mr. Hostetter in the chair, on the bill (S. No. 15,) to lay out and establish a State road in the counties of Sandusky and Lucas, and the same was reported back with one amendment, which was disagreed to. The bill was then amended and ordered to be engrossed for its third reading, in order to its final passage on Thursday next.

Mr. Walton, on leave, from the standing committee on the judiciary, which had been instructed to inquire into the expediency of the measure, reported a bill to divide the State of Ohio into Judicial circuits, which was read the first time.

On motion of Mr. Ihrig,

The report of the select committee on the rules for the government of the Senate, was taken up, and the amendments of the committee of the whole were severally agreed to.

Mr. Spangler moved to recommit the report to the committee that reported it, with instructions to strike out the word negative, at the end of the 30th rule, and insert in lieu thereof the word affirmative.

On this question Mr. Thomas called for the yeas and nays; which were ordered, and were, yeas 15, nays 20, as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Craighill, Holmes, Hostetter, Ihrig, M'Laughlin, Spangler, Saylor, Shideler, Stadden, Utter, Walton, Speaker—15.

Nays—Messrs. Brady, Cox, Fuller, Green, Harlan, James, Matthews, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Thompson, Tod, Thomas, Tracy, Vanmetre, Wade, and White—20.

So the question was lost.

The report, as amended, was then agreed to.

On motion of Mr. Morris,

The Senate resolved itself into a committee of the whole, Mr. Wade in the chair, on the bill (S. No. 17,) to amend the act entitled, an act allowing and regulating writs of attachment before justices of the peace; and the same was reported back with sundry amendments, which were agreed to; and the bill was further amended, and ordered to be engrossed for its third reading, in order to its final passage on Thursday next.

Mr. Spangler, from the standing committee on finance, to which had been re-committed the bill, (H. No. 29,) making special appropriations for the year 1838, reported the same back without amendment; and the bill was then ordered to its third reading, in order to its final passage on Thursday next.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, viz:

A bill to authorize Abr'm Hahn to exhibit the skeleton of the mastodon;

A bill for the relief of John Wolf;

A bill to incorporate the Martinsburg Academy in the county of Knox.

The following bills have been reported to the House and read the first time, to wit:

A bill to abolish public executions;

A bill to incorporate the town of Quincy in Logan county;

A bill to incorporate the McConnelsville library and reading room association;

A bill to incorporate the grand lodge of the independent orders of odd fellows, in the State of Ohio;

A bill to incorporate the Dayton western turnpike road company;

A bill to incorporate the town of Greenville in the county of Darke.

The House insist on their disagreement to the amendment of the Senate to the bill of the House to provide for the preservation and safe keeping of the journals of the General Assembly, and request a committee of conference.

Attest,

W. H. BLODGET, *Clerk.*

The bills from the House were severally read the first time.

The request of the House for a committee of conference on the disagreement of the two Houses, in relation to the amendment of the Senate to the bill to provide for the safe keeping of the Journals of the General Assembly, was acceded to, and the Speaker appointed Messrs. Smith and McLaughlin, a committee on the part of the Senate.

On motion of Mr. Powers,

The Senate then adjourned until Thursday morning 10 o'clock.

Attest,

C. J. McNULTY, *Clerk.*

THURSDAY, *December 20, 1838.*

The Senate met pursuant to adjournment.

Mr. McLaughlin presented a petition from citizens of Richland county praying the extension of the Walhonding canal up the Clear fork of the Mohican to the town of Lexington in Seneca county; which was referred to the standing committee on canals.

Mr. Brady presented a petition from citizens of Tuscarawas county, praying for a tow-path from the head of the Trenton Feeder to the mouth of Stillwater creek; which was referred to the standing committee on canals.

Mr. Matthews presented petitions from citizens of Holmes county, praying the extension of the Walhonding canal up the Kilbuck creek to Millersburg in the county of Holmes; which was referred to the standing committee on canals.

Mr. Bates presented a petition from citizens of Putnam county, praying the erection of a new judicial circuit; which was laid upon the table.



Mr. Tracy presented remonstrances from citizens of Huron county, against any division of said county; which were laid upon the table.

Mr. Craighill presented a petition from citizens of Sandusky county, praying the passage of an act authorizing the commissioners of said county to borrow money; which was referred to Mr. Craighill.

Mr. Birch presented remonstrances from citizens of Medina county against any division of said county; which were referred to the standing committee on new counties.

Mr. Stokely presented a petition from citizens of Knox township, in Jefferson county, praying the revival of the act to incorporate the original surveyed townships, passed February 26th, 1824, so far as that township is concerned; which was referred to Mr. Stokely.

Mr. Harlan presented a petition from citizens of Green, praying the establishment of an Eye Infirmary; which was referred to the standing committee on public institutions.

Mr. Holmes presented a petition from John A. Leaman, for a change of his name to John A. Harrison; which was referred to Mr. Holmes.

Mr. Saylor, from the standing committee on railroads and turnpikes, to which petitions on that subject had been referred, reported a bill to incorporate the Clarksville, Cuba, Snowhill, New Lexington, and Leesburg turnpike company; which was read the first time.

Mr. Thomas, from the standing committee on new counties, to which petitions on that subject had been referred, reported a bill to erect the county of Scott; which was read the first time.

Mr. Matthews, from the standing committee on canals, to which petitions on that subject had been referred, reported a bill to provide for the extension of the Walhonding canal up the Kilbuck creek to Milersburg, in the county of Holmes; which was read the first time.

Mr. Saylor, from the select committee to which had been re-committed the bill to provide for the extension of the time of payment for section sixteen, in Lemon township in Butler county, reported the same back with sundry amendments, which were agreed to; and the question then recurring upon ordering the bill to a third reading in order to its final passage on to-morrow, Mr. Thomas called for the yeas and nays; which were taken, and the question was agreed to, as follows: Yeas 25, Nays 9—

Yeas—Messrs. Allen, Birch, Brady, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Powers, Rodgers, Smith, Stokely, Shannon, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Wade, Walton and White—25.

Nays—Messrs. Bates, Cox, Green, Harlan, James, Oliver, Thomas, Utter and Speaker—9.

The following bills of the Senate were read a third time and passed, to-wit:

An act to authorize the commissioners of Wood county to borrow money;

An act to lay out and establish a State road in the counties of Sandusky and Lucas;

An act to amend the act entitled, "An act allowing and regulating

writs of attachment before justices of the peace," passed January 7, 1824.

Ordered that the titles be as aforesaid, and that the concurrence of the House be requested.

The following act of the House was read a third time, to-wit:

An act to incorporate the New Lexington branch of the Zanesville and Maysville turnpike road company.

Mr. Tod moved to recommend the bill to the standing committee on railroads and turnpikes; and on that question Mr. Powers called for the yeas and nays; which were taken and were, yeas 11, nays 21, as follows:

Yeas—Messrs. Allen, Bates, Brady, Holmes, Hrig, McLaughlin, Powers, Shannon, Tod, Utter and Wade—11.

Nays—Messrs. Birch, Cox, Craighill, Fuller, Groom, Harton, Hostetter, James, Morris, Oliver, Rodgers, Smith, Siskely, Saylor, Shideler, Stadden, Thompson, Thomas, Truay, White and Speaker—21.

Mr. McLaughlin then moved to lay the bill upon the table; which was agreed to.

The Speaker laid before the Senate the annual report of the directors of the Ohio penitentiary; which was ordered to lie upon the table.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill of the Senate without amendment:

A bill to incorporate the Winchester Fire Association.

The House has passed the following bills, to which the concurrence of the Senate is requested:

A bill to authorize the county commissioners of Crawford county to borrow money;

A bill to incorporate the Presbyterian church of Zanesville;

A bill to authorize the trustees of the school district composed of the corporate limits of the town of Gallipolis, in the county of Gallia, to borrow money for school purposes;

A bill defining the duties of the canal commissioners, the canal fund commissioners, and the Auditor of State;

A bill to incorporate the Johnstown Lyceum, in the county of Licking.

Attest:

W. H. BLODGET, *Clerk*.

The bills of the House were severally read the first time.

Message from the House of Representatives

Mr. Speaker:

The hall of the House is now ready for the reception of the members of the Senate, to proceed to the election of one United States Senator, in accordance with a joint resolution heretofore adopted for that purpose.

Attest:

W. H. BLODGET, *Clerk*.

The Senate accordingly, preceded by their Speaker and Clerk, repaired to the hall of the House of Representatives, and proceeded to the election of a Senator in the Congress of the United States, in accordance with a joint resolution previously adopted.

The result of the first ballot was announced to be,

For Benjamin Tappan, - - - - -	57	votes
Thomas Ewing, - - - - -	50	"
Reuben Wood, - - - - -	1	"

Benjamin Tappan having received a majority of all the votes given, was declared by the Speaker of the Senate, in the presence of both Houses, to be duly elected a Senator in Congress from the State of Ohio, for the constitutional term of six years, from and after the 4th day of March, 1839.

The Senate then returned to their chamber, when

On motion of Mr. Green,

The Senate adjourned.

Attest:

C. J. McNULTY, *Clerk.*

FRIDAY, *December 21, 1838.*

The Senate met pursuant to adjournment.

Mr. Bates presented a petition from citizens of Putnam county, praying the erection of a new judicial circuit; which was laid upon the table.

Mr. Spangler presented the petition of Benedict Lutz, praying for compensation for services in preparing the chamber of the Senate for the reception of the members; which was referred to the standing committee on claims.

Mr. Ihrig presented a petition from citizens of Wayne county, praying an alteration in the act regulating roads and highways; which was referred to the standing committee on roads and highways.

Mr. McLaughlin presented petitions from citizens of the county of Richland, praying the extension of the Walhonding canal up the Clear fork of Mohican to the town of Lexington in said county; which were referred to the standing committee on canals.

Mr. Tracy presented a remonstrance of sundry citizens of Huron county, against any division of said county; which was laid upon the table.

Mr. McLaughlin presented remonstrances from citizens of Richland county, against the erection of the proposed new county of Benton; which was referred to the standing committee on new counties.

The following bills were severally read the second time, committed to the committee of the whole Senate, and made the order of the day for this day, to wit:



(S. No. 23.) A bill to incorporate the Clarkville, Cuba, Snowhill, New Lexington, and Leesburg turnpike company;

(S. No. 24.) A bill to erect the county of Scott;

(S. No. 25.) A bill to provide for the extension of the Walhonding canal up the Kilbuck creek to Millersburg, in the county of Holmes.

(H. No. 41.) An act defining the duties of the canal commissioners, the canal fund commissioners, and the Auditor of State;

(H. No. 43.) An act to authorize the trustees of the school district composed of the corporate limits of the town of Galliopolis, in the county of Gallia, to borrow money for school purposes;

(H. No. 44.) An act to incorporate the Presbyterian church of Zanesville;

(H. No. 48.) An act to incorporate the Johnstown lyceum in the county of Licking;

(H. No. 51.) An act to authorize the county commissioners of Crawford county to borrow money.

The following acts of the House were severally read the third time and passed, to wit:

An act to amend the act entitled, an act to incorporate the German reform synod of Ohio;

An act extending the time of payment for section sixteen in Lemon township, in Butler county;

An act making special appropriations for the year 1833.

Ordered, that the titles be as aforesaid, and that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The House have appointed Messrs. Brough, Andrews of Franklin, and Trevitt, a committee of conference on the part of the House, on the bill of the House to provide more effectually for the preservation and safe keeping of the Journals of the General Assembly.

The following bills have been reported to the House and read the first time, to wit:

A bill to divorce Mary Ellen Inskeep from her husband William H. Inskeep;

A bill to allow juries before justices of the peace.

Attest,

W. H. BLODGET, *Clerk.*

Mr. Smith, from the joint select committee of conference on the disagreement of the two Houses in relation to the amendments of the Senate to the bill of the House to provide for the safe keeping of the Journals of the General Assembly, made the following report, which was agreed to, and ordered to the House for concurrence.

The joint committee of conference on bill No. 13 of the House, to provide for the preservation of the Journals of the General Assembly, recommend, that the first amendment of the Senate disagreed to by the House be amended so as to strike out the fifth section of the bill, and that the amendment thus amended be agreed to.

That the second amendment of the Senate disagreed to by the

House, be amended by inserting in lieu of the words stricken out, these words,—for which they shall be allowed a compensation to be fixed by joint resolution and to be provided for in the general appropriation bill; and that the amendment thus amended be agreed to.

GEORGE J. SMITH,  
*Chairman of Senate Committee.*

Mr. Spangler offered the following resolution, which was agreed to, to wit:

*Resolved*, That the Governor be requested to inform the Senate at as early a day as practicable, whether any relinquishment has been made by the Zanesville and Maysville turnpike road company of the loan of credit by the State, granted in the 8th section of their act of incorporation.

Mr. Birch, pursuant to previous notice, asked and obtained leave, and introduced the following bills, which were read first time, to wit:

A bill to incorporate the first congregational church and society of Bridgeville in the county of Lorain;

A bill to incorporate the Etna fire company of Elyria.

On motion of Mr. Thomas,

The committee of the whole was discharged from the further consideration of the bill (H. No. 39) to authorize Abraham Hahn to exhibit the skeleton of the Mastodon, and the same was taken up.

The question being in ordering the bill to a third reading in order to its final passage,

Mr. Smith moved that the further consideration of the bill be indefinitely postponed, upon which question the yeas and nays were called, which were ordered, and were yeas 24, nays 11, as follows, to wit:

Yeas—Messrs. Brady, Cox, Craighill, Green, Harlan, Holmes, Ihrig, James, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Tod, Thomas, Tracy, Utter, Vanmetre, and Speaker—24.

Nays—Messrs. Bates, Birch, Fuller, Hostetter, Matthews, McLaughlin, Stadden, Thompson, Wade, Watton, and White—11.

So the question was agreed to, and the bill was indefinitely postponed.

Mr. Oliver gave notice that he would on to-morrow or some subsequent day of the present session ask leave to introduce a bill for the relief of Ethan Stone.

Mr. Green moved that the Senate take up the bill (H. No. 20) to incorporate the New Lexington branch of the Zanesville and Maysville turnpike road company, upon which question the yeas and nays were called, which were ordered, and were yeas 24, nays 10, as follows:

Yeas—Messrs. Cox, Craighill, Fuller, Green, Harlan, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Spangler, Saylor, Shideler, Stadden, Thompson, Tracy, Vanmetre, Walton, White, and Speaker—24.

Nays—Messrs. Bates, Birch, Brady, Holmes, Hostetter, Powers, Tod, Thomas, Utter, and Wade—10.

So the bill was taken up.

Mr. Tod moved to amend the same by way of rider, by adding the following as section 6, to wit:

Section 6th. That should the Governor hereafter be called upon by the directors of said company to subscribe to the stock of said company, he shall not, in computing the amount of stock subscribed by individuals, include any subscription that may be made by the commissioners of the county of Perry or Muskingum.

The question being on the adoption of this amendment, the yeas and nays were called, which were ordered, and were yeas 11, nays 21, as follows, to wit:

Yeas—Messrs. Bates, Brady, Craighill, Holmes, Hostetter, Powers, Shannon, Saylor, Tod, Utter, and Walton—11.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, Matthews, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Spangler, Shideler, Stadden, Thomas, Tracy, Vanmetre, Wade, White, and Speaker—21.

So the amendment was rejected.

The bill was then passed.

Ordered, that the title be as aforesaid, and that the House be informed thereof.

Mr. McLaughlin gave notice that he would ask leave on to-morrow, or some subsequent day of the present session, to introduce a bill to incorporate the Mansfield and Huron turnpike road company.

On motion of Mr. Green,

The bill (S. No. 10) to revive and amend an act entitled "an act to incorporate the Circleville and Washington turnpike company," with the pending amendment, was taken up, and the question being on the adoption of the amendment, the yeas and nays were called, and were yeas 14, nays 20, as follow, to wit:

Yeas—Messrs. Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Powers, Shannon, Saylor, Shideler, Thompson, Tod, Utter, and Walton—14.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, Matthews, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Spangler, Stadden, Thomas, Tracy, Vanmetre, Wade, White, and Speaker—20.

So the amendment was rejected.

The question then recurred upon ordering the bill to be engrossed for a third reading, in order to its final passage, upon which question the yeas and nays were ordered, and were yeas 22, nays 11, as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, Ihrig, Matthews, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Spangler, Shideler, Stadden, Thomas, Tracy, Vanmetre, Wade, White and Speaker—22.

Nays—Messrs. Bates, Brady, Craighill, Holmes, Hostetter, Powers, Shannon, Saylor, Tod, Utter, and Walton—11.



So the bill was ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

Mr. McLaughlin, pursuant to previous notice, asked and obtained leave and introduced a bill for the relief of Hugh Murry; which was read the first time.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to-wit:

A bill to incorporate the First United Brethren church in Christ, of Harrison township in Gallia county;

A bill to amend the act to incorporate the town of Newark and the several acts amendatory thereof.

The House has agreed to the report of the committee of conference on bill No. 13, of the House, to provide for the preservation and safe-keeping of the journals of the General Assembly.

The following bill has been reported to the House and read the first time, to-wit:

A bill to amend the act entitled "An act to regulate the practice of Judicial Courts."

The House has passed the following resolutions, to which the concurrence of the Senate is requested, to-wit:

Resolution providing for printing one thousand copies of the report of the directors of the Ohio penitentiary;

Resolution providing for the election of one associate judge for the county of Knox, and one associate judge for the county of Scioto, and one register and one receiver of the State land office at Lima.

The following bill has been reported to the House and read the first time, to-wit:

A bill to repeal an act to amend the several acts heretofore passed incorporating the Cincinnati, Columbus and Wooster turnpike company, passed January 15, 1831.

The House has agreed to the amendment of the Senate to the bill of the House providing for an extension of time to the purchasers of section sixteen, in Lemon township in Butler county.

Attest:

W. H. BLODGET, *Clerk.*

The resolution of the House in relation to the printing of the report of the directors of the Ohio penitentiary was agreed to.

The resolution providing for certain elections on the 22d inst. was amended and laid upon the table.

On motion of Mr. Craighill,

The Senate then adjourned.

Attest:

C. J. McNULTY, *Clerk.*

SATURDAY, *December 22, 1838.*

The Senate met pursuant to adjournment.

Mr. Bates presented a petition from citizens of Lucas county, praying the removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Thompson presented the petitions of citizens of Mechanicstown, Carroll county, praying an act of incorporation for said town; which was referred to Mr. Thompson.

Mr. Morris presented petitions from citizens of Clinton county, praying an amendment to the charter of the Cincinnati, Columbus and Wooster turnpike company; which was referred to the standing committee on railroads and turnpikes.

Mr. McLaughlin presented a petition from citizens of Richland county, praying the repeal of the law creating the office of superintendent of common schools; which was laid upon the table.

Mr. Birch presented remonstrances from citizens of Medina county, accompanied by the certificate of the auditor of said county, against any division of said county; which was laid upon the table.

Mr. Powers presented a petition from citizens of Portage county, praying the erection of a new county, the county seat thereof to be at Cuyahoga Falls; which was laid upon the table.

Mr. Powers presented the certificate of the clerk of the common pleas of Portage county, showing the amount of \_\_\_\_\_ in said county; which was laid upon the table.

Mr. Cox, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled, an act making special appropriation for the year 1838.

Mr. Ihrig, from the standing committee on roads and highways, to which was recommitted bill No. 17 of the House, made the following report; which was agreed to, to wit:

To standing committee on roads and highways, to whom was recommitted bill No. 17 of the House, have had the same under consideration, and now wish to report:

By the best information your committee obtained, it appears that no notice was given. Your committee are of the opinion that it would not only establish a bad precedent, but inevitably lead to unnecessary legislation and palpable injustice to pass a law in any case for the construction of a State road, except in cases where a legal notice has been given, unless it be in cases where a reference is made to a select committee, who being acquainted with the peculiar circumstances of the application, are willing to take the responsibility. Your committee therefore recommend the adoption of the following resolution, to wit:

*Resolved,* That the bill with the amendments be indefinitely postponed.

So the bill was indefinitely postponed.

Mr. Walton, from the standing committee on the judiciary, to which had been recommitted the bill (H. No. 31,) to amend 15th section of

an act granting licences and regulating taverns, reported the same back without amendment, and recommended that the bill be indefinitely postponed, which was agreed to; and the bill was accordingly postponed indefinitely.

Mr. Walton, from the standing committee on the judiciary, to which had been recommitted the bill (H. No. 19,) for the relief of W. H. Starrett, reported the same back without amendment.

The question being on ordering the bill to its third reading, the yeas and nays were called, and were—yeas 20, nays 13—as follows, to wit:

Yeas—Messrs. Bates, Brady, Craighill, Green, Holmes, Hostetter, Ihrig, Matthews, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Tracy, Wade, Walton, White, and Speaker—20.

Nays—Messrs. Birch, Cox, Fuller, Harlan, McLaughlin, Morris, Powers, Rodgers, Smith, Thompson, Thomas, Utter and Vanmetre, 13.

Mr. Smith, from the standing committee on the judiciary, to which had been recommitted the bill (H. No. 35,) to amend the act entitled “an act concerning divorce and alimony,” passed 7th January, 1824, reported the same back with sundry amendments.

On motion of Mr. Smith,

The bill with the pending amendments was committed to a committee of the whole Senate, and made the order of the day for this day.

Mr. Walton, from the standing committee on the judiciary, to which had been referred the petition of sundry citizens, for the passage of a law to provide more effectually for the protection of property wrecked on Lake Erie, within the limits of Ohio, made the following report; which together with the petition was laid upon the table, to wit:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petition.

Mr. Walton, from the standing committee on the judiciary, to which had been recommitted the bill (H. No. 21,) to divorce Harriet Houck from her husband Jonathan T. Houck, reported the same back without amendment.

On motion of Mr. Green,

The bill was then committed to a committee of the whole Senate, and made the order of the day for this day.

Mr. Stokely, from the standing committee on military affairs, reported a bill to carry into effect a contract made by the Adjutant General with Capt. S. Cooper of the United States army; which was read the first time.

Mr. White, from the select committee to which was referred the memorial of the commissioners of the county of Scioto, reported a bill to authorize the commissioners of Scioto county to make additional compensation to the contractor who built the court house in said county, and for other purposes; which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:



(S. No. 26.) A bill to incorporate the first congregational church and society of Ridgville, in the county of Lorain;

(S. No. 27.) A bill to incorporate the Etna fire company of Elyria;

(S. No. 28.) A bill for the relief of Hugh Murry.

The following bill of the Senate was read the third time, to wit:

A bill to revive and amend the act entitled "an act to incorporate the Circleville and Washington turnpike company."

The question being, shall the bill pass?

Mr. Uter called for the yeas and nays; which were ordered, and were—yeas 20, nays 11—as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, Ihrig, Matthews, McLaughlin, Morris, Rodgers, Smith, Stokely, Spangler, Stadden, Thompson, Thomas, Tracy, Vanmetre, White and Speaker—20.

Nays—Messrs. Bates, Brady, Craighill, Hostetter, Powers, Shannon, Saylor, Shideler, Tod, Uter and Walton—11.

So the question was carried.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

A message from the House of Representatives.

Mr. Speaker:

The House has indefinitely postponed the bill of the House to authorize John A. Bishop and James C. Bishop, minor heirs of James Bishop, late of Burton, Geauga county, to make certain contracts.

The House has passed the following bills, to which the concurrence of the Senate is requested, viz:

A bill to incorporate the McConnellsville library and reading room association;

A bill to incorporate the town of Quincy, in the county of Logan.

The Speaker of the House has signed the following enrolled resolutions and bill, to which the signature of the Speaker of the Senate is also requested, viz:

Resolution providing for the translation and printing of the Governor's message in the German language;

Resolution of the Senate, No. 1;

Resolution in relation to furnishing the clerk of the court of Erie county with revised statutes and laws of Ohio;

A bill making special appropriations for the year 1838.

The House has passed a resolution authorizing the Auditor and Treasurer of State to receive taxes on town lots, and to which the concurrence of the Senate is requested.

Attest, *W. H. BLODGET, Clerk.*

The bills of the House were severally read the first time.

The Speaker of the Senate signed the enrolled bills and resolutions from the House.

The resolution of the House was referred to the standing committee on finance.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to amend the act entitled an act regulating the fees of sheriffs;

A bill to amend the act entitled an act for the punishment of certain offences therein named, passed March 8, 1838;

A bill to establish an eye infirmary in the city of Cincinnati;

A bill to incorporate the Geauga silk company.

The House has passed a resolution providing for the printing of five thousand copies of the report of the geological survey of this State, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The resolution of the House was laid upon the table.

The Speaker laid before the Senate a communication from the Governor, in compliance with a resolution asking whether any relinquishment had been made by the Zanesville and Maysville turnpike road company of the loan of credit by the State to said company; which was ordered to lie upon the table.

(See vol. Pub. Doc.)

Mr. Tracy, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the Huron fire association; which was read the first time.

Mr. Morris presented the report of the board of directors of the Goshen, Wilmington and Columbus turnpike company; which was laid upon the table.

On motion of Mr. Saylor,

The Senate resolved itself into a committee of the whole, Mr. Stokely in the chair, on the bill (H. No. 25,) to incorporate the Rockport lyceum, in the county of Cuyahoga, when the same was reported back without amendment. Amended and recommitted to a select committee of one—Mr. Fuller.

On motion of Mr. Smith,

The Senate again resolved itself into a committee of the whole, Mr. Powers in the chair, on the bill (H. No. 26) to amend an act entitled, an act to incorporate the Marietta and Newport turnpike road and bridge company; and the same was reported back without amendment, and ordered to its third reading in order to its final passage on Monday next.

On motion of Mr. Saylor,

The Senate again resolved itself into a committee of the whole, Mr. Matthews in the chair, on the bill (S. No. 18,) to incorporate the town of Mason, in the county of Warren, when the same was reported back with sundry amendments, which were agreed to; and the bill was ordered to be engrossed for its third reading, in order to its final passage on Monday next.

Mr. Thompson offered the following resolution, which was agreed to, to wit:

*Resolved*, That the committee on finance be requested to inquire into the expediency of providing more effectually by law, for the re-

ceiving, safe keeping and disbursing of all moneys belonging to the State of Ohio.

Mr. Holmes gave notice that on Monday or some subsequent day of the present session, he would ask leave to introduce a bill to amend the act entitled an act to incorporate the emigrants' friend society of Cincinnati.

Mr. Smith offered the following resolution, which was agreed to, to wit:

*Resolved*, That the standing committee on the judiciary be instructed to inquire into the expediency of the passage of an act regulating the incorporation of towns and villages, defining the general powers, rights and incidents, so as to dispense with the necessity, in future, of specifically detailing such powers, rights and incidents in each act incorporating a town.

On motion of Mr. Thompson,

The resolution of the House in relation to the printing of the report of the geological survey of Ohio, was taken up and agreed to.

Ordered that the House be informed thereof.

On motion of Mr. Tod,

The Senate then adjourned until Monday morning 10 o'clock.

Attest, C. J. McNULTY, *Clerk*.

MONDAY, December 24, 1838.

The Senate met pursuant to adjournment.

Mr. M'Laughlin presented a remonstrance from citizens of Richland county, against the erection of the proposed county of Benton; which was referred to the standing committee on new counties.

Mr. M'Laughlin presented petitions from citizens of Richland county, praying the erection of a new county to be called Kenton; which was laid upon the table.

Mr. Bates presented a petition from citizens of Lucas county, praying the removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Bates presented petitions from citizens of Hancock and Williams counties, praying the erection of a new judicial circuit; which was laid upon the table.

Mr. M'Laughlin presented the petition of James Johnston and other citizens of Richland county, in relation to the lease of military school lands; which was referred to the standing committee on schools and school lands.

Mr. Tracy presented petitions from citizens of Huron county, praying the erection of the new county of Kenton; which was laid upon the table.

Mr. Tracy presented remonstrances from citizens of Huron county, against the erection of the proposed new county of Kenton; which were laid upon the table.



Mr. Birch presented remonstrances from citizens of Medina county, against any division of said county; which were laid upon the table.

Mr. Matthews presented a petition from citizens of Holmes county, praying the extension of the Walhonding canal up the Kilbuck creek to Millersburg, in the county of Holmes; which was referred to the standing committee on canals.

Mr. Spangler presented the report of the directors of the Ohio Lunatic Asylum, in relation to the internal management and government of said institution; which was laid upon the table.

(*See vol. Public Documents, No. 29.*)

Mr. Spangler presented the report of the directors appointed to superintend the erection of a lunatic asylum for the State of Ohio; which was ordered to lie upon the table.

(*See vol. Public Documents No. 18.*)

Mr. Harlan presented petitions from citizens of the counties of Green, Warren, and Clinton, praying the incorporation of the literary and botanico medical college of Ohio; which were referred to the standing committee on medical colleges and societies.

Mr. Spangler, from the standing committee on finance, to which had been recommitted the resolution of the House in relation to the receiving of taxes on town lots, &c., reported the same back without amendment.

The resolution was then agreed to.

Ordered, that the House be informed thereof.

Mr. Cox, for the standing committee on enrollment, reported that said committee had deposited in the office of the Secretary of State, the following enrolled act and resolutions, for which they had taken his receipt:

An act making special appropriations for the year 1833;

Resolution in relation to furnishing the clerk of the court of Erie county, with revised statutes and laws of Ohio;

Resolution for the relief of Alexander Delorac;

Resolution for the translation and printing the Governor's message into the German language.

Mr. Fuller, from the select committee to which had been recommitted the bill (H. No. 25,) to incorporate the Rockport Lyceum, in the county of Cuyahoga, reported the same back with sundry amendments; which were agreed to.

The question then being on ordering the bill to its third reading, in order to its final passage, Mr. Thompson called for the yeas and nays; which were, yeas 23. nays 4—as follows, to wit:

Yeas—Messrs. Birch, Cox, Craighill, Fuller, Harlan, Holmes, Hostetter, Ihrig, Matthews, Morris, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Thomas, Tracy, Utter, White, and Speaker—23.

Nays—Messrs. Brady, Thompson, Tod, and Walton—4.

So the question was carried, and the bill was ordered to its third reading in order to its final passage on to-morrow.

Mr. Holmes, from the select committee to which had been referred

the petition of John A. Seaman, reported a bill to change the name of John A. Seaman, to John A. Harrison; which was read the first time.

Mr. Craighill, from the select committee to which had been referred the petition of citizens of Sandusky county, reported a bill to authorize the commissioners of Sandusky county to borrow money; which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(H. No. 54.) A bill to incorporate the M'Connelsville library and reading-room association;

(H. No. 53.) A bill to incorporate the town of Quincy, in the county of Logan;

(S. No. 29.) A bill to carry into effect a contract made by the Adjutant General, with Capt. S. Cooper, of the U. S. army;

(S. No. 30.) A bill to authorize the county commissioners of Scioto county, to make additional compensation to the contractor who built the court house in said county, and for other purposes;

(S. No. 31.) A bill to incorporate the Huron fire association.

The following act of the House was read the third time and passed, to wit:

An act to amend the act to incorporate the Marietta and Newport turnpike road and bridge company.

Ordered, that the title be as aforesaid, and that the House be informed thereof.

The following act of the House was read the third time, and on motion of Mr. Spangler, laid upon the table, to wit:

An act for the relief of W. H. Starret.

On motion of Mr. Smith,

The committee of the whole was discharged from the further consideration of the bill (H. No. 27.) to lay out and establish a State road in the counties of Wood, Henry, Putnam, Hancock, Allen, and Hardin; and the same was taken up, amended, and ordered to a third reading in order to its final passage on Wednesday next.

Mr. Thompson offered the following resolution, which was agreed to, and ordered to the House for concurrence, to wit:

*Resolved by the Senate and House of Representatives,* That two members on the part of the Senate, and three members on the part of the House, be appointed to be constituted a joint select committee, whose duty it shall be to examine the books, papers, and vouchers of the expenditures and disbursements of the board of canal commissioners, and settle the account current of said board, agreeably to the provisions of the eleventh section of an act entitled an act to abolish the board of public works, and revive the board of canal commissioners; passed March 16, 1838.

On motion of Mr. Saylor,

The Senate resolved itself into a committee of the whole, Mr. Holmes in the chair, on the bill (H. No. 24,) fixing the time at which laws of

a general nature shall take effect, and reported the same back without amendment; and

On motion of Mr. Saylor,

The same was re-committed to the standing committee on the judiciary.

On motion of Mr. Smith,

The Senate again resolved itself into a committee of the whole, Mr. Smith in the chair, on the bill (H. No. 23,) to incorporate the Miamisburg Fire Association Company; and after some time spent therein, the committee rose reported progress, and asked leave to sit again; which was granted.

Mr. Tod, from the standing committee on the currency, to which was referred resolution No. 1, of the Senate, in relation to the banking institutions of this State, reported it back with sundry amendments; which were ordered to lie upon the table.

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Smith in the chair, on the bill (H. No. 23,) to incorporate the Miamisburg Fire Insurance Company; and the same was reported back with sundry amendments, which were agreed to; and the bill was further amended, and the amendments ordered to be engrossed, and with the bill, read a third time in order to its final passage on Wednesday.

On motion of Mr. Smith,

The bill (S. No. 18,) to incorporate the town of Mason, in the county of Warren, was taken up and read the third time.

The question being, "Shall the bill pass?" it was taken and carried.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following acts, in which the concurrence of the Senate is requested, to wit:

An act to incorporate the town of Greenville;

An act to amend the act for the election of county assessor, with one amendment.

The House has passed the following bills of the Senate without amendment, to wit:

An act authorizing the revaluation of section 29, in the original surveyed township number 4, in the second entire range between the Miami rivers, in Warren county;

An act to authorize the commissioners of Wood county to borrow money;

An act to establish a State road in the counties of Sandusky and Lucas.

The following bills of the House have been introduced and read the first time, to wit:

A bill to abolish imprisonment for debt;

A bill to incorporate the town of McConnelsville;



A bill to incorporate the Belmont manufacturing company;

A bill to incorporate the Leading creek toll bridge company, in the county of Meigs.

The House has passed a resolution in relation to a survey of a route for a canal from some point on the Miami Canal to the State line, in the direction of Fort Wayne, &c.; in which they request the concurrence of the Senate.

Attest,

W. H. BLODGET, *Clerk.*

The bills of the House were severally read the first time.

On motion of Mr. M'Laughlin,

The resolution of the House was referred to the standing committee on canals.

Message from the House of Representatives.

Mr. Speaker:

The House has concurred in the resolution of the Senate in relation to the appointment of a joint select committee to examine the books, &c., of the canal commissioners, and have appointed Messrs. Roller, Chambers, and Smith of Montgomery, a committee on the part of the House, in relation to the subject matter of said resolution.

Attest,

W. H. BLODGET, *Clerk,*

On motion of Mr. Walton,

The committee of the whole were discharged from the further consideration of the bill (S. No. 22,) dividing the State of Ohio into judicial circuits; and the same was taken up and recommitted to the standing committee on the judiciary.

Mr. Thompson moved that the Senate adjourn until Wednesday morning 10 o'clock.

Upon which question the yeas and nays were called, and were, yeas 18, nays 12, as follows, to wit:

Yeas—Messrs. Birch, Cox, Craighill, Fuller, Harlan, Holmes, Hostetter, James, Matthews, Powers, Rodgers, Smith, Saylor, Thompson, Thomas, Tracy, Utter, and White—18.

Nays—Messrs. Bates, Brady, Ibrig, M'Laughlin, Morris, Shannon, Spangler, Shideler, Tod, Wade, Walton, and Speaker—12.

So the question was carried, and

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

---

WEDNESDAY, DECEMBER 26, 1838.

The Senate met pursuant to adjournment.

Mr. McLaughlin presented remonstrances from citizens of Richland county, against the erection of the proposed new county of Benton; which was referred to the standing committee on new counties.

Mr. McLaughlin presented the proceedings of a meeting of the officers of the 11th Division of the Ohio Militia, praying an amendment

of the military laws; which was referred to the standing committee on military affairs.

Mr. Bates presented petitions from citizens of the county of Lucas, praying the removal of the seat of justice of said county; which were referred to the standing committee on new counties.

Mr. Craighill presented a petition from citizens of Seneca and Sandusky counties, for the appropriation of the three per cent. fund; which was referred to Mr. Craighill.

Mr. Tracy presented remonstrances from citizens of the county of Huron, against the erection of the proposed new county of Kenton; which was laid on the table.

Mr. Shannon presented the petition of Samuel Erwin, praying a divorce from his wife, Rachel N. Erwin; which was laid upon the table.

Mr. Fuller presented a petition from Thomas Umbstaetter, and other citizens of Cuyahoga county, praying the incorporation of a military company, to be called the Cleveland Grays; which was referred to the standing committee on military affairs.

Mr. Birch presented remonstrances from citizens of Medina county, against any division of said county; which were laid upon the table.

Mr. Birch presented the deposition of Benjamin Baker and L. Rood, in relation to the petition of E. L. Goodrich for a divorce; which were referred to the standing committee on the judiciary.

Mr. Stokely presented a petition from citizens of Jefferson county, praying the passage of a law encouraging the culture and manufacture of silk; which was laid upon the table.

Mr. Allen presented the proceedings of a convention of citizens of various parts of the State, in relation to the subject of internal improvement; which were laid upon the table.

Mr. McLaughlin presented the petition of citizens of Richland county, praying the erection of a new county, to be called Kenton; which was referred to the standing committee on new counties.

Mr. McLaughlin presented remonstrances from citizens of Richland county, against the erection of the proposed new county of Benton; which was referred to the standing committee on new counties.

Mr. McLaughlin presented petitions from citizens of the counties of Richland, Wayne, Holmes, and Knox, praying the erection of a new county, the county seat to be at Loudonville; which were referred to the standing committee on new counties.

Mr. McLaughlin presented petitions from citizens of Monroe, Crawford, and Clark townships, in Coshocton county, praying for said townships to be attached to the county of Holmes; which were referred to the standing committee on new counties.

Mr. Tracy presented the petition of citizens residing within the territory embraced in bill No. 12, of the Senate, praying the erection of the new county of Kenton; which was laid upon the table.

Mr. Matthews presented a petition from citizens of Holmes county, praying the extension of the Walhonding canal up the Kilbuck creek to Millersburg, in said county; which was referred to the committee of the whole Senate.

Mr. Powers presented petitions from citizens of the counties of Medina and Portage, praying the erection of a new county, the county seat whereof to be at Akron; which were laid upon the table.

Mr. Powers, from the standing committee on Canals, to which was referred the resolution of the House, providing for the survey of the route of a canal from the Cuyahoga feeder on the Pennsylvania and Ohio canal, to the mouth of the Grand river; reported the same back without amendment, and recommended the passage thereof.

The resolution was then laid upon the table.

Mr. Walton, from the standing committee on the Judiciary, to which had been recommitted the bill (S. No. 22.) dividing the State of Ohio into judicial circuits, reported the same back with sundry amendments; which, together with the bill, were recommitted to the committee of the whole Senate, and made the special order of the day for this day.

Mr. Matthews, from the standing committee on Canals, to which had been referred the petitions of sundry citizens of Tuscarawas county, made the following report; which was ordered to lie upon the table, to wit:

*Resolved*, by the General Assembly of the State of Ohio, That the board of canal commissioners, be and they are hereby authorized and requested, by themselves or competent engineers, to make out a proper estimate of the expenses of constructing a towing path from the head of the Trenton feeder, in the county of Tuscarawas, on the Ohio canal, to the mouth of the Big Stillwater, in said county, together with their opinion, as to the utility and practicability of said work, and report to this General Assembly at the commencement of their session.

The following bills were then severally read the second time, committed to a committee of the whole Senate, and made the special order of the day for this day, to wit:

(S. No. 32.) A bill to change the name of John A. Seaman, to John A. Harrison;

(S. No. 33.) A bill to authorize the commissioners of Sandusky county to borrow money;

(H. No. 30.) An act to amend an act for the election of county assessor;

(H. No. 57.) An act to incorporate the town of Granville.

The following acts of the House were severally read the third time and passed, to wit:

An act to incorporate the Rockport lyceum, in the county of Cuyahoga;

An act to lay out and establish a State road in the counties of Wood, Henry, Putnam, Hancock, Allen, and Hardin;

Ordered, that the titles be as aforesaid, and that the House be informed thereof.

The following act of the House was read the third time, and laid upon the table, to wit:

An act to incorporate the Miamiesburg fire insurance company.

The Speaker presented a special report from the board of canal commissioners, in relation to the amount of money expended on the



public works; which was ordered to lie upon the table.—See Vol. Pub. Doc. No. 28.

A message from the House of Representatives.

Mr. Speaker:

The House has passed a resolution providing for printing certain copies of the report of the directors of the Ohio Lunatic Asylum, to which the concurrence of the Senate is requested.

The following bills have been reported to the House and read the first time, to wit:

A bill to reduce the corporate limits of the town of Centreville, in Montgomery county;

A bill to provide for the incorporation of towns.

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to authorize the laws of a public nature to be distributed by mail;

A bill to incorporate the Grand Lodge of the independent order of Odd Fellows, in the State of Ohio,

Attest,

W. H. BLODGET, *Clerk.*

The bills of the House were severally read the first time.

The resolution of the House was laid upon the table.

The Speaker announced Messrs. Thompson and James, members on their part, of the joint select committee to examine the books, vouchers, &c., of the canal commissioners.

Mr. Tracy gave notice, that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the Huron county silk company.

Mr. Saylor offered the following resolution, which was agreed to, and ordered to the House for concurrence, to wit:

*Resolved, by the Senate and House of Representatives, That the canal commissioners be requested to report to the General Assembly at as early a day as practicable, whether, in their opinion, any amendments are necessary to the general or local laws relating to turnpikes, to enable turnpike companies in which the State is a stockholder, properly and upon fair terms to construct and keep in repair their roads, to collect equitable rates of toll, and to establish suitable regulations for the use and preservation of said road.*

Mr. Holmes, pursuant to previous notice, asked and obtained leave, and introduced a bill to amend the act entitled an act to incorporate the Emigrants' Friend society of Cincinnati; which was read the first time.

On motion of Mr. Powers,

The petitions lying on the table, praying the erection of a new county, the county seat thereof to be at Akron, were taken up and referred to the committee of the whole Senate.

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole Senate, Mr. Stokely in the chair, on the bill (S. No. 12.) to erect the county

of Kenton, and after some time spent therein, rose, reported progress, and asked leave to sit again, which was granted.

Mr. McLaughlin offered the following resolution; which was agreed to, to wit:

*Resolved*, That the standing committee on the judiciary be instructed to inquire into the expediency of passing a law legalizing the official acts of J. W. McKee, Esq., of the county of Richland, before his official bond was accepted by the trustees of the proper township, and that said committee report by bill or otherwise.

Mr. McLaughlin presented a letter from John W. McKee, in relation to the subject matter of the above recited resolution; which was referred to the standing committee on the judiciary.

On motion of Mr. Morris,

The Senate resolved itself into a committee of the whole, Mr. James in the chair, on the bill (S. No. 22.) dividing the State of Ohio into judicial circuits; and the same was reported back with sundry amendments.

The bill with the pending amendments, was then laid upon the table.

On motion of Mr. Spangler,

The Senate then resolved itself into a committee of the whole, Mr. Stokely in the chair, on the bill (S. No. 12.) to erect the county of Kenton; and the same was reported back with one amendment.

The bill with the pending amendment was then laid upon the table.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to amend the 37th section of the act entitled, an act for the prevention of certain offences therein named, passed March 3, 1831;

A bill prohibiting the sale of section sixteen, in Hanover township, Columbiana county;

A bill to provide for the more effectual punishment of certain offences in the county of Cuyahoga;

A bill to authorize the commissioners of Portage county to increase the tax in said county for county purposes;

A bill to vacate certain alleys in the town of New Haven, in the county of Huron.

Attest,

W. H. BLODGET, *Clerk*.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill, to which the concurrence of the Senate is requested, to wit:

A bill to amend the act entitled An act for the punishment of certain offences therein named, passed March 3, 1831.

Attest,

W. H. BLODGET, *Clerk*.

The bill of the House was read the first time.

On motion of Mr. James,

The Senate then adjourned.

Attest,

C. J. M'NULTY, *Clerk*.

THURSDAY, December 27, 1838.

The Senate met pursuant to adjournment.

Mr. McLaughlin presented petitions from citizens of the county of Richland, praying that the office of Superintendent of Common Schools may be abolished; which was referred to the committee on schools and school lands.

Mr. Tracy presented petitions from the proceedings of a meeting of citizens of Huron county, praying the erection of a new county, to be called Kenton; which was laid upon the table.

Mr. Tracy presented a communication from citizens of Huron county praying the erection of the proposed new county of Kenton; which was laid upon the table.

Mr. Tracy presented the certificate of the auditor of Huron county as to the number of square miles remaining in the said county, deducting the territory to be included in the proposed new county of Kenton; which was laid upon the table.

Mr. Powers presented sundry papers and documents showing the extent of the travel and communication at the port of Akron, and the value of real and personal property in the counties of Portage and Medina; which was referred to the standing committee of the whole Senate, to which the petitions for the erection of a new county, the county seat whereof to be at Akron, were heretofore referred.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 34.) A bill to amend an act entitled An act to incorporate the Emigrants' Friend Society of Cincinnati;

(H. No. 55.) A bill to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the State of Ohio;

(H. No. 49.) An act to authorize the laws of a general nature to be distributed by mail.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the several amendments of the Senate to the following bills of the House, to wit:

A bill to lay out and establish a State road in the counties of Wood, Henry, Putnam, Hancock, Allen, and Hardin;

A bill to incorporate the Rockport Lyceum, in the county of Cuyahoga.

The House has also agreed to the resolution of the Senate calling upon the canal commissioners for their opinion as to the propriety of any amendments to the general or local laws in relation to turnpike companies, &c.

The following bill has been reported to the Senate and read the first time, to wit:

A bill to further amend the act entitled An act for opening and regulating roads and highways, passed March 14, 1838.

Attest,

W. H. BLODGET, Clerk.



The Speaker presented the request of the trustees of the Medical College of Ohio; which was laid upon the table.

On motion of Mr. Thompson,

The resolution of the House providing for the election of certain officers was taken up, amended, and agreed to.

Ordered, that the House be informed thereof.

Mr. Holmes offered the following resolution, which was laid upon the table, to wit:

*Resolved by the General Assembly of the State of Ohio, That the Governor be authorized to vote by proxy or otherwise, the State stock in all railroads, turnpike, canal, and slackwater navigation companies.*

On motion of Mr. Ihrig,

The Senate resolved itself into a committee of the whole, Mr. Walton in the chair, on the bill (H. No. 33) to create a school district in the corner of Wood, Hancock, and Seneca counties; when the same was reported back without amendments, and recommitted to the standing committee on schools and school lands.

On motion of Mr. Saylor,

The Senate again resolved itself into a committee of the whole, Mr. Morris in the chair, on the bill (H. No. 34) to incorporate the Fairfield Library Association, in the county of Huron; and the same was reported back without amendment, and recommitted to a select committee of one, Mr. Tracy.

A message from the House of Representatives.

Mr. Speaker:

The House has passed a resolution of instruction to the joint select committee appointed to regulate the times of holding the judicial courts, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The resolution of the house was agreed to.

Ordered that the house be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill for the relief of Abner Enoch;

A bill to amend the act entitled An act to incorporate the town of New Paris, in the county of Preble, passed March 3, 1834;

A bill entitled an act defining the mode of laying out and establishing township roads, passed March 11, 1831;

And the act entitled An act prescribing the duties of supervisors, and relating to roads and highways, passed March 20, 1838.

The house has adopted a resolution ordering additional copies of the report of the directors of the Ohio Penitentiary be printed for the use of the General Assembly; to which the concurrence of the senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The resolution of the house was amended and agreed to.  
Ordered that the house be informed thereof.

A message from the house of representatives.

Mr. Speaker:

The house has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to amend the act to incorporate the town of Newark, and the several acts amendatory thereof;

A bill to incorporate the first united brethren church in Christ, of Harrison township, in Gallia county.

Attest,

W. H. BLODGET, *Clerk.*

The bills of the house were severally read the first time.

On motion of Mr. Spangler,

The report of the directors of the Ohio Penitentiary was taken up, and referred to the committee on the penitentiary.

On motion of Mr. Thompson,

The special report of the Secretary of State was taken up. Mr. Thompson moved to refer to the standing committee on finance; upon which the yeas and nays were called, and were, yeas 22, nays 5, as follows:

Yeas—Messrs. Allen, Birch, Brady, Craighill, Fuller, Harlan, Hostetter, Ihrig, McLaughlin, Morris, Powers, Smith, Stokely, Saylor, Stadden, Shideler, Thompson, Tod, Thomas, Tracy, White—22.

Nays—Messrs. Holmes, Rodgers, Spangler, Utter, Speaker—5.

So the question was carried.

Mr. Powers, on leave, presented petitions from citizens of Portage, Medina, and Wayne counties, praying the erection of a new county, the county seat thereof to be at Akron; which was referred to the committee of the whole senate.

On motion of Mr. Saylor,

The senate resolved itself into a committee of the whole, Mr. Powers in the chair, on the bill (H. No. 28) to incorporate the Martinsburg academy, of Knox county; and the same was reported back without amendments, and recommitted to the standing committee on colleges and universities.

Mr. Fuller gave notice that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill for the relief of Norman C. Baldwin.

On motion of Mr. Bates,

The senate resolved itself into a committee of the whole, Mr. Bates in the chair, on the bill (S. No. 23) to incorporate the Clarksville, Cuba, Snowhill, New Lexington, and Leesburg turnpike company; and the same was reported with sundry amendments, which were agreed to, and the bill as amended was ordered to be engrossed for its third reading in order to its final passage on to-morrow.

On motion of Mr. Wade,

The resolution of the house in relation to the survey of the route

of a canal from the Cuyahoga feeder, on the Pennsylvania and Ohio Canal, to the mouth of the Grand River, was taken up and agreed to.

Ordered that the house be informed thereof.

On motion of Mr. Thomas,

The committee of the whole were discharged from the further consideration of the bill (S. No. 21) for the relief of jurors in certain cases; and the same was taken up and committed to the standing committee on the judiciary.

On motion of Mr. Bates,

The senate resolved itself into a committee of the whole, Mr. Cox in the chair, on the bill (H. No. 43) to authorize the trustees of the school districts composed of the corporate limits of the town of Gallipolis, in the county of Gallia, to borrow money for school purposes; and the same was reported back without amendment, and ordered to its third reading in order to its final passage on to-morrow.

On motion of Mr. Cox,

The committee of the whole was discharged from the further consideration of the bill (H. No. 44) to incorporate the Presbyterian Church of Zanesville; and the same was taken up and ordered to its third reading in order to its final passage on to-morrow.

On motion of Mr. Thompson,

The resolution of the standing committee on finance in relation to the banking institutions of this State was taken up and referred to the committee of the whole senate, and made the special order of the day for to-morrow.

On motion of Mr. Thomas,

The committee of the whole were discharged from the further consideration of the bill (H. No. 51) to authorize the commissioners of Crawford county to borrow money; and the same was taken up, amended, and ordered to a third reading in order to its final passage on to-morrow.

A message from the House of Representatives.

Mr. Speaker:

The House has agreed to the amendments of the Senate to the resolution of the House providing for the elections of sundry officers on the 29th inst., with one amendment, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The amendments of the House to the amendments of the Senate were agreed to.

Ordered that the House be informed thereof.

On motion of Mr. Saylor,

The Senate resolved itself into a committee of the whole, Mr. Tod in the chair, on the bill (H. No. 41) defining the duties of the canal commissioners, the canal fund commissioners, and the Auditor of State; and the same was reported back without amendment, and committed to the standing committee on finance.



On motion of Mr. Saylor,

The Senate again resolved itself into a committee of the whole, Mr. Holmes in the chair, on the bill (H. No. 48) to incorporate the Johnstown Lyceum, in the county of Licking; and the same was reported back with one amendment, which was agreed to, and the bill as amended was ordered to a third reading in order to its final passage on to-morrow.

Attest,

C. J. M'NULTY, *Clerk.*

FRIDAY, *December, 28, 1838.*

The Senate met pursuant to adjournment.

Mr. McLaughlin presented petitions from sundry citizens of Richland county, praying that the office of superintendent of common schools may be abolished; which was referred to the standing committee on schools and school lands.

Mr. Bates presented a petition from citizens of Lucas county, praying the removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Allen presented a petition from citizens of Marion county, praying the erection of the new county of Benton; which was referred to the standing committee on new counties.

Mr. Spangler presented a memorial from the Ohio State agricultural society, in relation to the subject of agriculture; which was laid upon the table.

Mr. Hostetter presented remonstrances from citizens of Stark county, against attaching any part of the territory of said county to the proposed new county, the county seat whereof to be at Akron; which were referred to the same committee of the whole Senate, to which bill No. 24 of the Senate had heretofore been committed.

Mr. Birch presented remonstrances from citizens of Medina county, against any division of said county; which were referred to the same committee of the whole Senate, to which was heretofore committed bill No. 24 of the Senate.

Mr. Tod presented a memorial from sundry citizens of Cuyahoga county, praying an amendment of the act entitled an act to provide for the proof, acknowledgment and recording of deeds and other instruments of writing; which was referred to the standing committee on the judiciary.

Mr. Utter presented a memorial from Thomas B. Anderson of Hamilton county, praying for relief; which was referred to the standing committee on claims.

Mr. Tracy presented a petition from citizens of Huron county, praying legislative encouragement for the culture, growth and manufacture of silk; which was referred to the standing committee on agriculture, commerce and manufactures.

Mr. James presented a petition from citizens of Clark county, praying an amendment of the act incorporating a certain turnpike com-

pány; which was referred to the standing committee on roads and highways.

Mr. Fuller, from the standing committee on schools and school lands, to which was recommitted the bill (H. No. 33,) to create a school district in the corner of Wood, Hancock and Seneca counties, reported the same without amendment; and the bill was laid upon the table.

Mr. Tracy, from the select committee to which had been recommended the bill (H. No. 34.) to incorporate the Fairfield library association, in the county of Huron, reported the same back with sundry amendments; which were agreed to.

The bill was then further amended, the amendments ordered to be engrossed, and with the bill read a third time on to-morrow in order to its final passage.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(H. No. 60.) An act to incorporate the first united brethren in Christ, of Harrison township, in Gallia county;

(H. No. 61.) An act to amend the act to incorporate the town of Newark, and the several acts amendatory thereof.

The following acts of the House were severally read the third time and passed, to wit:

An act to incorporate the presbyterian church of Zanesville;

An act to incorporate the Johnstown lyceum, in the county of Licking;

An act to authorize the trustees of the school district composed of the corporate limits of the town of Galliopolis, in the county of Gallia, to borrow money for school purposes;

An act to authorize the county commissioners of Crawford county to borrow money.

Ordered, that the titles be as aforesaid, and that the House be informed thereof.

The following act of the Senate was read the third time and passed, to wit:

An act to incorporate the Clarksville, Cuba, Snowhill, New Lexington and Leesburg turnpike company.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

Mr. Tod gave notice that he would on this day or some subsequent day of the present session, ask leave to introduce a bill for the appointment of wreck masters, and defining their duties.

On motion of Mr. Thomas,

The committee of the whole were discharged from the further consideration of the report of the standing committee on the currency, propounding certain inquiries to the banking institutions of this State; and the same was recommitted to the committee that reported it.

Mr. Stadden offered the following resolution, which was laid upon the table, to wit:

*Resolved*, That the standing committee on roads and highways are

hereby instructed to inquire into the expediency of so amending the act entitled "An act defining the duties of supervisors of roads and highways," passed March 7th, 1831, so as to exempt all male persons between twenty-one and sixty years of age who have resided three months in this State, from performing two days' labor, as defined in the first section of said act.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to-wit:

A bill to prohibit the establishment within this State of any branch, office or agency of the United States bank of Pennsylvania, or any other bank or corporation not incorporated by the laws of this State, and for other purposes;

A bill to divorce Jacob Ebbersole from his wife, Catharine Ebbersole.

The House has passed the following bill of the Senate with one amendment, to which the concurrence of the Senate is requested:

A bill to amend the act entitled "An act allowing and regulating writs of attachment before justices of the peace," passed January 7, 1824.

The House has disagreed to the amendments of the Senate to the resolution of the House, providing for printing additional copies of the report of the directors of the Ohio penitentiary.

Attest, W. H. BLODGET, *Clerk.*

On motion of Mr. Walton,

The bill, with the amendment thereto of the House, was re-committed to the standing committee on the judiciary.

On motion of Mr. Thompson,

The Senate receded from their amendment to the resolution of the House.

Ordered that the House be informed thereof.

Mr. Tod, from the standing committee on the currency, to which had been re-committed the report of said committee, propounding certain interrogatories to the banks of this State, on leave reported the same back with one amendment.

The report with the amendment was then committed to a committee of the whole Senate and made the order of the day for this day.

On motion of Mr. Matthews,

The resolution (S. No. 2) in relation to the amendment of the constitution of this State, was taken up, committed to a committee of the whole Senate, and made the order of the day for this day.

On motion of Mr. Smith,

The Senate resolved itself into a committee of the whole, Mr. Cox in the chair, on the special order of the day, being the report of the standing committee on the currency; and after some time spent therein, the committee rose, reported progress, and asked leave to sit again, which was granted.



Mr. Tod, pursuant to previous notice, asked and obtained leave to introduce a bill to provide for the appointment of wreck masters, and defining their duties; which was read the first time.

Mr. Fuller, pursuant to previous notice, asked and obtained leave, and introduced a bill for the relief of Norman C. Baldwin; which was read the first time.

On motion of Mr. Spangler,

The Senate again resolved itself into a committee of the whole, Mr. Cox in the chair, on the special order of the day, being the report of the standing committee on the currency, in relation to the banks of this State, and the same was reported back with sundry amendments, which were agreed to. The report was then further amended.

Mr. Thompson moved the following amendment to come in as interrogatory 39th, to-wit:

"Has the bank any memorandum accounts not included in your balance sheet statements; if so, what amount?"

Upon this question the yeas and nays were called, and were, yeas 19, nays 11, as follows, to-wit:

Yeas—Messrs. Allen, Birch, Cox, Fuller, Harlan, Hostetter, Matthews, Morris, Powers, Rodgers, Smith, Stokely, Saylor, Shideler, Thompson, Thomas, Tracy, Wade and White—19.

Nays—Messrs. Bates, Brady, Craighill, Holmes, Shannon, Spangler, Stadden, Tod, Utter, Walton and Speaker—11.

So the amendment was adopted.

Mr. Thompson moved the following amendment, to come in as interrogatory 40th, to-wit:

"Is either of the directors of your bank a director in any other bank in this State?"

Upon which question the yeas and nays were called, and were, yeas 25, nays 5, as follows, to-wit:

Yeas—Messrs. Bates, Birch, Brady, Cox, Craighill, Fuller, Holmes, Hostetter, Matthews, Morris, Rodgers, Smith, Stokely, Shannon, Saylor, Shideler, Stadden, Thompson, Tod, Thomas, Tracy, Utter, Wade, Walton and White—25.

Nays—Messrs. Allen, Harlan, Powers, Spangler and Speaker—5.

So the amendment was agreed to.

Pending the consideration of the report,

On motion of Mr. McLaughlin,

The Senate then adjourned.

Attest,

C. J. McNULTY, Clerk.

---

SATURDAY, December 29, 1838.

The Senate met pursuant to adjournment.

Mr. McLaughlin presented a memorial from citizens of Richland county, praying the incorporation of the Ashland Academy in said county; which was referred to Mr. McLaughlin.

Mr. Bates presented petitions from citizens of Wood, Henry and Lucas counties, praying the erection of a new county out of parts of said counties, the county seat to be at Gilead, and that a part of Lucas may be attached to Henry county; which was referred to the standing committee on new counties.

Mr. Ihrig presented petitions from citizens of Wayne county, praying the construction of a canal from Wooster, along the valley of the Kilbuck and Chippeway creeks to connect with the Ohio canal; which were referred the standing committee on canals.

Mr. Tracy presented petitions from citizens within the territory of the proposed new county of Kenton, against the erection of said county; which were laid upon the table.

Mr. Tod presented a petition from citizens of Trumbull county, praying that the publication and circulation of the common school directors may be continued; which was referred to the standing committee on schools and school lands.

Mr. Allen, from the standing committee on new counties, to which had been referred the petitions on that subject, made the following report; which was ordered to lie upon the table, to wit:

(See appendix, D, p. 8.)

The bill to erect the county of Benton was then read the first time.

Mr. Tod, from the standing committee on the judiciary, to which the petition on that subject had been referred, reported a bill to amend the act to provide for the proof, acknowledgement and recording of deeds, and other instruments of writing; which was read the first time.

Mr. Smith, from the standing committee on the judiciary, to which had been recommitted bill, (S. No. 21,) for the relief of jurors in certain cases, reported the same back with sundry amendments, some of which were agreed to, and others rejected. The question being on ordering the bill as amended to be engrossed,

Mr. Thomas called for the yeas and nays; which were ordered and were, yeas 25, nays 6, as follows, to wit:

Yeas—Messrs. Bates, Birch, Brady, Cox, Craighill, Fuller, Harlan, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Powers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Thomas, Utter, and Speaker—25.

Nays—Messrs. Allen, Rodgers, Stadden, Wade, Walton, and White—6.

So the bill as amended was ordered to be engrossed for its third reading, in order to its final passage on Monday next.

Mr. Walton, from the standing committee on the judiciary, to which had been recommitted the bill, (S. No. 17,) to amend the act entitled, an act allowing and regulating writs of attachment before justices of the peace, passed January 7, 1824, reported the same back, and recommended that the Senate disagree to the amendment of the House to said bill.

The question being on disagreeing to the amendment of the House, it was taken and carried.

Ordered that the House be informed thereof.

Mr. Walten, from the standing committee on the judiciary, to which was referred the petition of John W. McKee, a justice of the peace in the county of Richland, praying that his official acts may be legalized, made the following report; which was ordered to lie upon the table, to wit:

(See appendix, C, p. 6.)

Mr. Smith, from the standing committee on the judiciary, to which had been recommitted bill, (H. No. 24,) fixing a time at which laws of a general nature should take effect, reported the same back without amendment, and with a recommendation that the same do not pass: the question being on the ordering the bill to its third reading, in order to its final passage on Monday next, it was taken and lost.

Mr. McLaughlin, from the select committee to which was referred the petition on that subject, reported a bill to incorporate the Ashland Academy; which was read the first time.

The following bill was read the second time and recommitted to the standing committee on the judiciary, to wit.

(S. No. 35.) A bill to provide for the appointment of wreck masters and defining his duties.

The following bill was read the second time, committed to a committee of the whole Senate and made the order of the day, for this day, to wit:

(S. No. 36.) A bill for the relief of Norman C. Baldwin.

The following act of the House was read the third time and passed, to wit:

An act to incorporate the Fairfield library association in the county of Huron.

Ordered that the title be as aforesaid, and that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to incorporate the Liverpool and Massillon M'Admized road company;

A bill regulating the fees of constables in civil and criminal cases;

A bill to incorporate the presbyterian church in the town of Mount Pleasant in the county of Hamilton.

The House has agreed to the amendment of the Senate to the following bills of the House, to wit:

A bill to authorize the county commissioners of Crawford county to borrow money;

A bill to incorporate the Johnstown lyceum in the county of Licking.

Attest,

W. H. BLODGET, Clerk.

On motion of Mr. McLaughlin,

The bill, (H. No. 33,) to create a school district in the corner of Wood, Hancock and Seneca counties, was taken up, and the question being on ordering the bill to its third reading, in order to its final passage on Monday next; it was taken and carried.



On motion of Mr. Thompson,

The report of the standing committee on the currency relative to the banks of this State, was taken up and re-committed to the committee that reported it.

Mr. Thompson offered the following resolution:

*Resolved*, That all motions made in the Senate and agreed to or rejected be entered on the journals, unless otherwise order by the Senate.

Pending the consideration of the resolution.

On motion of Mr. Smith,

The Senate adjourned until three o'clock this afternoon.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

A message from the House of Representatives.

Mr. Speaker:

The hall of the House is now ready for the reception of the Senate to proceed to certain elections in accordance with a joint resolution adopted for that purpose.

Attest,

W. H. BLODGET, *Clerk*.

The Senate then, preceded by their Speaker and clerk, repaired to the hall of the House of Representatives, and being seated within the bar, proceeded to the election of sundry officers, as provided for in a joint resolution previously adopted for that purpose.

The House first proceeded to elect an associate judge for Knox county; when the following was the result, viz:

For Richard C. Davis,	54 votes.
“ Marvin Tracy,	43
Blank,	2

Richard C. Davis having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected associate judge for the county of Knox; to serve the constitutional term of seven years, from and after the rising of the present session of the General Assembly.

The House next proceeded to elect an associate judge for the county of Tuscarawas; when the following was the result:

For Walter M. Blake,	57 votes.
“ Jacob Blickensderfer,	41
Blank,	2

Walter M. Blake having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected associate judge for the county of Tuscarawas; to serve the constitutional term of seven years, from and after the 8th day of February, 1839.

The House next proceeded to the election of an associate judge for the county of Ashtabula; when the following was the result:

For Jonathan Warner,.....	55 votes.
“ Gains W. St. John,.....	43
Blank,.....	3

Jonathan Warner having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected associate judge for the county of Ashtabula; to serve for the constitutional term of seven years, from and after the 1st day of April 1839.

The House next proceeded to the election of an associate judge for the county of Licking; when the following was the result:

For Levi J. Haughey,.....	56 votes.
Blank, and scattering,.....	30

Levi J. Haughey having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared duly elected associate judge for the county of Licking; to serve for the constitutional term of seven years, from and after the 8th day of February, 1839.

The House next proceeded to the election of an associate judge for the county of Williams; when the following was the result:

For Jonas Colby,.....	62 votes.
Blanks, and scattering,.....	34

Jonas Colby having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected an associate judge for the county of Williams; to serve for the constitutional term of seven years, from and after the rising of the present session of the General Assembly.

The House next proceeded to elect one register for the State land office at Lima; when the following was the result:

For Vincent D. Enyeart,.....	61 votes.
Blank, and scattering,.....	28

Vincent D. Enyeart having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected register of the State land office at Lima; to serve for the legal term of three years, from and after the 1st day of May, 1839.

The House next proceeded to the election of one receiver for the State land office at Lima; when the following was the result:

For John Alexander, jr.,.....	65 votes.
Blanks, and scattering,.....	31

John Alexander having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected receiver of the State land office at Lima; to serve for the legal term of three years, from and after the 1st day of May, 1839.

The House next proceeded to elect one receiver for the State land office at Maumee city; when the following was the result:

For Charles C. P. Hunt,.....	61 votes.
Blank, and scattering,.....	26

Charles C. P. Hunt having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected receiver of the State land office at Maumee city, to serve for the legal term of three years, from and after the day of his election.

The election being through with, the Senate returned to their chamber.

On motion of Mr. Powers,

The Senate then adjourned until Monday morning, 10 o'clock.

Attest;

C. J. McNULTY, *Clerk.*

MONDAY, *December 31, 1838.*

The Senate met pursuant to adjournment.

Mr. Bates presented petitions from citizens of Lucas county, praying the removal of the seat of justice of said county to Maumee city; which were referred to the standing committee on new counties.

Mr. Bates presented a petition from citizens of Henry county, praying the erection of a new judicial circuit; which was laid upon the table.

Mr. Bates presented a remonstrance from citizens of Hancock county, against any division of said county; which was referred to the standing committee on new counties.

Mr. Ihrig presented remonstrances from citizens of Wayne county, against any division of said county; which were laid upon the table.

Mr. Craigbill presented remonstrances from citizens of Seneca county; from the clerk of London township, in said county; and from the trustees of said township, against the erection of a new school district in the corner of Wood, Hancock, and Seneca counties; which were laid upon the table.

Mr. Hossetter presented remonstrances from citizens of Stark county, against any division of said county; which were referred to the same committee of the whole Senate, to which the bill to erect the county of Scott had heretofore been committed.

Mr. Birch presented remonstrances from citizens of Medina county, against any division of said county; which were referred to the same



committee of the whole Senate, to which the bill to erect the county of Scott had heretofore been committed.

Mr. Fuller presented a petition from the trustees of the Willoughby University of Lake Erie, praying for relief; which was referred to the standing committee on colleges and universities.

The Speaker presented a memorial from citizens of Washington county, praying the incorporation of a company to build a bridge across the Muskingum river, at Marietta; which was referred to the standing committee on the judiciary.

Mr. Harlan presented petitions from citizens of Green county, praying the incorporation of the literary and botanico medical college of Ohio; which were referred to the standing committee on medical colleges and societies.

Mr. Tracy presented petitions of citizens of Huron county, praying the erection of the new county of Kenton; which were laid upon the table.

Mr. Tracy presented remonstrances from citizens of Huron county, against the erection of the new county of Kenton; which were laid upon the table.

Mr. McLaughlin presented a remonstrance from citizens of Richland county, against the erection of the proposed new county of Benton; which was laid upon the table.

Mr. Tod presented a petition from citizens of Lorain county, praying an amendment of the 12th section of the law regulating the jurisdiction of justices of the peace; which was referred to the standing committee on the judiciary.

Mr. Powers presented a petition from citizens of Portage county, praying legislative encouragement to the culture of silk; which was referred to the standing committee on agriculture, commerce, and manufactures.

Mr. Powers presented a petition from citizens of Akron, in Portage county, praying the incorporation of the first universalist society of Akron, in the county of Portage; which was referred to Mr. Powers.

Mr. Tod, from the standing committee on the currency, to which had been recommitted the report of said committee, relative to the banking institutions of this State, reported the same back with sundry amendments.

On motion of Mr. McLaughlin,

The report, with the pending amendments, was laid upon the table.

On motion of Mr. Green,

The amendments to said report, reported by the committee on the currency, and those made by the committee of the whole Senate, and by the Senate, were ordered to be printed.

Mr. Powers, from the select committee to which the petition on that subject had been referred, reported a bill to incorporate the first universalist society of Akron, in the county of Portage; which was read the first time.

The following bills were read the second time, committed to a com-

mittee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 37.) A bill to erect the county of Benton;

(S. No. 39.) A bill to incorporate the Ashland academy.

The following bill was read the second time, and committed to the standing committee on the judiciary, to wit:

(S. No. 38.) A bill to amend the act to provide for the proof, acknowledgment and recording of deeds, and other instruments of writing.

The following bill was read the third time and passed, to wit:

A bill for the relief of jurors, in certain cases.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

The following act of the House was read the third time, to wit:

An act to create a school district in the corner of Wood, Hancock, and Seneca counties.

Mr. Craighill moved the indefinite postponement of the bill; which was agreed to, and the bill was indefinitely postponed.

Ordered, that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill, to which the concurrence Senate is requested, to wit:

A bill to incorporate the Geauga silk company.

The following bills have been reported to the House and read the first time, to wit:

A bill to amend the several acts entitled, an act regulating judgments and executions, passed March 1, 1831; and the act entitled an act defining the powers and duties of justices of the peace and constables in civil cases, passed March 14, 1831; and also an act entitled an act regulating writs of attachment before justices of the peace, passed January 7, 1824;

A bill to diminish the cost of criminal prosecutions;

A bill to incorporate the Marion mechanics' beneficial society;

A bill to incorporate the first regular baptist church of Dayton.

Attest,

W. H. BLODGET, Clerk.

The bill from the House was read the first time.

On motion of Mr. Smith,

The committee of the whole were discharged from the further consideration of the bill (S. No. 19.) to divorce Phœbe Dunbar, otherwise called Phœbe Keeler, from her husband Ananias Dunbar; and the same was taken up and ordered to be engrossed for its third reading in order to its final passage on to-day.

Mr. Thompson offered the following resolution:

*Resolved by the Senate and House of Representatives,* That two members on the part of the Senate, and — members on the part of the House, be appointed to be constituted a joint select committee, with

power to visit the Farmers' Bank of Canton, and examine the books, papers, and funds of said bank; and also to examine the officers of the same, under oath; and to send for persons and papers, and to do all other matters and things necessary for the purpose of obtaining a full understanding of the condition of the said bank; and that this committee report to this General Assembly the result of such examination at the earliest day possible.

Mr. Spangler moved to recommit the resolution to the standing committee on the currency; which was agreed to.

On motion of Mr. Smith,

The bill (S. No. 19) to divorce Phebe Danbar, otherwise called Phebe Keeler, from her husband, Ananias Dunbar, was taken up, read the third time, and the question being, "shall the bill pass?" it was taken and carried.

Ordered that the title be as aforesaid, and that the concurrence of the House be requested.

On motion of Mr. Harlan,

The bill (H. No. 23) to incorporate the Miamisburg Fire Insurance company was taken up, read the third time, and the question being, "shall the bill pass?" it was taken and carried.

Ordered that the title be as aforesaid, and that the House be informed thereof.

On motion of Mr. Spangler,

The bill (H. No. 1) further to amend the act entitled "An act to incorporate the Zanesville and Maysville turnpike road company," passed March 7th, 1836, was taken up.

The question being on the adoption of the following amendment, offered by Mr. Tod, to come in at the end of the second section of the bill:

"Provided, That nothing herein contained shall be so construed as to legalize the subscription heretofore made by the Governor, to the capital stock of said company."

On this question the yeas and nays were called, and were, yeas 10, nays 22, as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Ihrig, Matthews, Thompson, Tod, Utter, Wade and Walton—10.

Nays—Messrs. Birch, Cox, Craighill, Fuller, Green, Harlan, McLaughlin, Morris, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thomas, Tracy, Vanmetre, White and Speaker—22.

So the amendment was rejected.

The question then being, "Shall the bill pass?" it was taken and carried.

Ordered, that the title be as aforesaid, and that the house be informed thereof.

On motion of Mr. Cox,

The bill (H. No. 4.) to authorize the county commissioners of Muskingum county to subscribe to the capital stock of any turnpike road



company, or turnpike road companies, when such road or roads shall enter into or pass through any part of said county, was taken up.

The question being on ordering the bill to its third reading in order to its final passage on to-morrow, the yeas and nays were called, and were, yeas 21, Nays 9, as follows, to wit:

Yeas—Messrs. Cox, Fuller, Green, Harlan, Ihrig, Matthews, McLaughlin, Morris, Rodgers, Smith, Stokeley, Shannon, Spangler, Shideler, Stadden, Thompson, Thomas, Tracy, Vanmetre, White, and Speaker—21.

Nays—Messrs. Allen, Brady, Craighill, Powers, Saylor, Tod, Utter, Wade, and Walton—9.

So the bill was ordered to its third reading on to-morrow.

On motion of Mr. Stokely,

The committee of the whole were discharged from the further consideration of the bill (S. No. 29) to carry into effect a contract made by the Adjutant General with Capt. C. Cooper of the U. S. army, and the same was taken up and ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

On motion of Mr. Ihrig,

The Senate reconsidered the vote by which, on yesterday, the question on ordering the bill (H. No. 24) fixing the time at which laws of a general nature shall take effect, was lost.

The question then recurring on ordering the bill to its third reading, the yeas and nays were called, and were, yeas 14, nays 19, as follows:

Yeas—Messrs. Bates, Brady, Fuller, Hostetter, Matthews, Powers, Stokely, Saylor, Stadden, Thompson, Tod, Tracy, Utter, and White—14.

Nays—Messrs. Allen, Birch, Cox, Craighill, Green, Harlan, Ihrig, McLaughlin, Morris, Rodgers, Smith, Shannon, Spangler, Shideler, Thomas, Wade, Walton and Speaker—19.

So the question was lost.

Mr. Tracy gave notice, that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the First Baptist church in Peru and vicinity.

Mr. Tod, on leave, presented the petition of Lucius W. Leffingwell, of the county of Trumbull, praying the passage of a law authorizing him to sell the lands of minor children; which was referred to the standing committee on the judiciary.

On motion of Mr. Green,

The Senate then adjourned.

Attest:

C. J. McNULTY, Clerk.

---

TUESDAY, January 1, 1839.

The Senate met pursuant to adjournment.

Mr. Bates presented petitions from citizens of Lucas county, praying the removal of the seat of justice of said county; which were referred to the standing committee on new counties.

Mr. Wade presented a petition from citizens of Ashtabula county, relative to the abolition of slavery and the slave trade in the District of Columbia and the different territories.

Mr. Wade moved that the petition be referred to a select committee of one.

Mr. Spangler moved to refer the petition to the standing committee on the judiciary, upon which question,

Mr. Wade called for the yeas and nays, which were ordered, and were—yeas 21, nays 13—as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Craighill, Hostetter, Ihrig, Matthews, McLaughlin, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmetre, Walton and Speaker—21.

Nays—Messrs. Cox, Fuller, Green, Harlan, Holmes, Morris, Powers, Smith, Stokely, Thomas, Tracy, Wade and White—13.

So the petition was referred to the standing committee on the judiciary.

Mr. Hostetter presented remonstrances from citizens of Stark county, against any division of said county; which were committed to the same committee of the whole Senate to which had heretofore been committed the bill (S. No. 24) to erect the county of Scott.

Mr. Ihrig presented petitions from citizens of Wayne county, praying an alteration in the laws regulating labor in the Ohio penitentiary; which were referred to the standing committee on the penitentiary.

Mr. Smith presented a petition from the directors of the school district composed of the corporate limits of the town of Lebanon, in the county of Warren, praying the passage of a special act in relation to the school funds belonging to said district; which was referred to the standing committee on schools and school lands.

Mr. Powers presented a petition from citizens of Hamilton county, praying the repeal of the law which excludes colored persons from a portion of the public school money; which was referred to the standing committee on schools and school lands.

Mr. Powers presented a petition from citizens of Hamilton county, praying the passage of a law securing to every human being the right of trial by jury in all cases where his or her liberty is in question; which was referred to the standing committee on the judiciary.

Mr. Rodgers presented a petition from citizens of Lawrence county, praying the establishment of a graded road through parts of said county; which was referred to Mr. Rodgers.

Mr. Bates presented a remonstrance from citizens of Hancock county, against any division of the territory of said county; which was referred to the standing committee on new counties.

Mr. Thomas presented a petition from citizens of Miami county, praying the repeal of the act to abolish imprisonment for debt, and for an amendment of the act for the relief of insolvent debtors; which was referred to the standing committee on the judiciary.

Mr. Birch presented remonstrances from citizens of Medina county, against the erection of the proposed new county of Scott; which were

committed to the same committee of the whole Senate, to which had heretofore been committed the bill to erect said county.

Mr. Wade presented a petition from citizens of the county of Ashtabula, praying the immediate repeal of all laws in this State which make any distinction among its inhabitants on account of color.

Mr. Wade moved to refer the petition to a select committee of three.

Mr. Spangler moved its reference to the standing committee on the judiciary, upon which question,

Mr. Wade called for the yeas and nays, which were ordered, and were—yeas 21, nays 13—as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Cox, Craighill, Hostetter, Ihrig, Matthews, McLaughlin, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmetre, Walton and Speaker—21.

Nays—Messrs. Birch, Fuller, Green, Harlan, Holmes, Morris, Powers, Smith, Stokely, Thomas, Tracy, Wade and White—13.

So the petition was referred to the standing committee on the judiciary.

Mr. Powers presented petitions from citizens of Medina and Portage counties, praying the erection of a new county, the county seat thereof to be at Akron; which were committed to the same committee of the whole Senate, to which had heretofore been committed the bill to erect the county of Scott.

Mr. Birch presented a petition from citizens of Lorain county, praying the passage of a law allowing steam mills to receive more toll than mills propelled by water power; which was referred to the standing committee on agriculture, commerce and manufactures.

Mr. Vanmetre presented a petition from citizens of Pike county, praying for a change in the southern termination of the Ohio and Erie canal; which was laid upon the table.

Mr. Holmes presented petitions from the directors and stockholders of the Mechanics' and Traders' bank of Cincinnati, and from citizens of Hamilton county, praying the incorporation of said bank; which were referred to the standing committee on the currency.

Mr. Powers presented a petition from citizens of Portage county, praying legislative encouragement to the culture of silk; which was referred to the standing committee on agriculture, commerce and manufactures.

Mr. Powers presented a petition from citizens of Portage county, praying the incorporation of the mulberry, silk and beet sugar company; which was referred to Mr. Powers.

Mr. Powers presented a petition from citizens of Hamilton county, praying,

1st. The passage of a law making towns and cities liable for damage done to property within their limits by mobs.

2d. The repeal of the law empowering and making it the duty of justices of the peace, when a citizen of Ohio is charged with a criminal offence against the laws of another State, upon proof thereof, to cause



such citizen to be committed to jail, or transported to the State whose laws he has violated.

3d. The repeal of the law depriving colored persons from giving evidence in a suit, one or both the parties to which may be a white man.

On motion of Mr. Powers,

So much of the petition as relates to making towns and cities liable for property destroyed within their limits by mobs, was referred to a select committee of three.

On motion of Mr. Spangler,

The remaining parts of the petition were referred to the standing committee on the judiciary.

Mr. Harlan presented remonstrances from sundry citizens of the State of Ohio, against the construction of the proposed feeder canal from West Liberty, in Logan county, to intersect the Miami canal north of Piqua, in Miami county; which were referred to the standing committee on canals.

Mr. Morris, from the standing committee on agriculture, commerce and manufactures, to which petitions on that subject had been referred, reported a bill to incorporate the Norwalk silk manufacturing company; which was read the first time.

Mr. Tod, from the standing committee on the currency, to which had been recommitted the resolution providing for the appointment of a committee to visit and examine the condition of the Farmers' Bank of Canton, reported the same back with one amendment.

The amendment was amended, and pending the consideration of the same,

Mr. Ihrig moved that the Senate adjourn, upon which question,

Mr. Thompson called for the yeas and nays, which were ordered, and were—yeas 20, nays 12—as follows, to wit:

Yeas—Messrs. Birch, Brady, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, Matthews, Rodgers, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Walton and White—20.

Nays—Messrs. Allen, Bates, McLaughlin, Morris, Powers, Smith, Stokely, Shannon, Thompson, Vanmetre, Wade and Speaker—12.

So the question was carried, and

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

WEDNESDAY, January 2, 1839.

The Senate met pursuant to adjournment.

Mr. Tracy presented petitions from citizens of Huron county, praying the erection of a new county, to be called Kenton; which were laid upon the table.

Mr. Birch presented remonstrances from citizens of the county of Portage, against the erection of the proposed new county of Scott, which

were committed to the same committee of the whole senate, to which had heretofore been committed the bill to erect said county.

Mr. Matthews presented petitions from citizens of Holmes county, praying the extension of the Walhonding canal up the Kilbuck creek to Millersburg, in said county; which were committed to the same committee of the whole senate, to which had heretofore been committed the bill to provide for said extension.

Mr. Birch presented a petition from citizens of Lorain county, praying the immediate repeal of all laws in this state which make any distinction among its inhabitants on account of color; which was referred to the standing committee on the judiciary.

Mr. Bates presented a petition from citizens of Hardin county, praying the erection of a new judicial circuit; which was laid upon the table.

Mr. Bates presented a petition from citizens of Hardin county praying the passage of a law allowing them an additional term of the court of common pleas for said county; which was referred to the joint select committee on the times of holding the judicial courts.

The following bills were read the second time, committed to a committee of the whole senate, and made the order of the day for this day, to wit:

(S. No. 41.) A bill to incorporate the Norwalk silk manufacturing company;

(S. No. 40.) A bill to incorporate the first Universalist society of Akron, in the county of Portage.

(H. No. 67.) A bill to incorporate the Geauga silk company.

The following bill of the senate was read the third time and passed, to wit:

(S. No. 29.) An act to carry into effect a contract made by the adjutant general with Capt. S. Cooper of the U. S. Army.

Ordered that the title be as aforesaid, and that the concurrence of the house be requested.

The following act of the house was read the third time, to wit:

An act to authorize the county commissioners of Muskingum county, to subscribe to the capital stock of any turnpike road company or turnpike road companies, when such road or roads shall enter into or pass through any part of said county.

The question being, Shall the bill pass? Mr. Utter called for the yeas and nays, which were ordered, and were yeas 23, nays 10, as follows, to wit:

Yeas—Messrs. Birch, Brady, Cox, Fuller, Green, Harlan, Ihrig, Matthews, McLaughlin, Morris, Redgers, Smith, Stokely, Shannon, Spangler, Shideler, Stadden, Thompson, Thomas, Tracy, Vanmetre, White, and Speaker—23.

Nays—Messrs. Allen, Bates, Craighill, Hostetter, Powers, Saylor, Tod, Utter, Wade, and Walton—10.

So the bill was passed.

Ordered, that the title be as aforesaid, and that the house be informed thereof.

A message from the House of Representatives

Mr. Speaker:

The following bills have been reported to the house and read the first time, to wit:

A bill to amend the act making provisions for carrying into effect the acts for the punishment of crimes, passed February 26, 1835;

A bill declaring the intent and meaning of the 18th section of the act entitled, an act regulating judgments and executions, and for other purposes;

A bill to amend the act prescribing the duties of county treasurers, passed March 12, 1831;

A bill to incorporate the first presbyterian church of St. Marys, in the county of Mercer;

A bill to extend the provisions of an act entitled, an act to provide for the internal improvement of the state of Ohio by navigable canals;

A bill to regulate practice in criminal cases.

Attest,

W. H. BLODGET, *Clerk.*

The Speaker announced Messrs. Powers, Holmes, and Green, the select committee to which was referred so much of the petition of certain citizens of Hamilton county, as prayed for the passage of a law making towns and cities liable for property destroyed by mobs within their limits.

On motion of Mr. Stadden.

The senate took up the bill (H. No. 19,) for the relief of W. H. Starrett.

The question being, Shall the bill pass? Mr. Cox called for the yeas and nays, which were ordered, and were, yeas 22, nays 12, as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Craighill, Green, Holmes, Hostetter, Ihrig, Matthews, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Tracy, Wade, Walton, White and Speaker—22.

Nays—Messrs. Cox, Fuller, Harlan, James, McLaughlin, Morris, Powers, Rodgers, Smith, Thomas, Utter, and Vanmetre—12.

So the question was carried.

Ordered, that the title be as aforesaid, and that the house be informed thereof.

On motion of Mr. McLaughlin,

The senate took up the bill (S. No. 12) to erect the county of Kenton.

• Mr. McLaughlin moved that the bill be postponed to the first Monday of December next, upon which question he called for the yeas and nays, which were ordered, and were, yeas 21, nays 14, as follows, to wit:

Yeas—Messrs. Birch, Brady, Craighill, Fuller, Harlan, Hostetter, Ihrig, James, Matthews, McLaughlin, Morris, Smith, Shannon, Spangler, Tod, Thomas, Tracy, Wade, Walton, White and Speaker—21.

Nays—Messrs. Allen, Bates, Cox, Green, Holmes, Powers, Rodgers, Stokely, Saylor, Shideler, Stadden, Thompson, Utter and Vanmetre, 14.



So the question was carried, and the bill was accordingly postponed until the first Monday of December next.

Ordered, that the house be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the house, and read the first time, to wit:

A bill to secure laborers of their wages for work done on public works in this state;

A bill to extend the time of making payment by the purchasers of the lands of the salt reservation, in the county of Jackson;

A bill to incorporate the Mount Pleasant boarding school;

A bill to incorporate the West Branch canal and Basin company;

A bill to repeal the act to incorporate the village of Brighton;

A bill to repeal the act entitled, an act to incorporate the Farmers' bank of Canton, and the act amendatory thereto, passed Dec. 28, 1826, entitled, an act to enable the Farmers' bank of Canton to close its concerns, and for other purposes:

A bill to incorporate the first universalian religious library society of Harmar;

A bill to incorporate the Jackson academy, in the county of Jackson;

A bill to incorporate the Wapaukonetta and Defiance turnpike road company;

A bill to authorize the county commissioners of the counties of Madison, Clark and Green, to subscribe to the capital stock of turnpike companies.

The House has passed a resolution providing for the election of sundry associate judges on Saturday the 5th inst., to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The resolution of the House was laid upon the table.

On motion of Mr. Thompson,

The Senate took up the resolution appointing a joint select committee to visit and examine the condition of the Farmers' Bank of Canton.

The question pending was on agreeing to the amendment reported by the standing committee on the currency, as amended; which was taken and carried.

On motion of Mr. Walton,

The vote by which the amended report of the committee on the currency was agreed to, was reconsidered.

The report was then further amended and agreed to.

The resolution as amended was then agreed to, and ordered to the House for concurrence.

Mr. Stokely, on leave, presented a petition from citizens of Jefferson county, praying

1st. That towns and cities may be by law made liable for property destroyed by mobs within their limits.

2d. For the repeal of the laws depriving colored persons from giving evidence in a cause, where one or both the parties to the same may be a white man.

3d. For a repeal of the law which deprives colored children from receiving the benefits of a portion of the public school money.

4th. For the passage of a law extending to every human being the right of trial by jury, in all cases where their personal liberty is in question, and also in those cases where they are claimed as fugitives from labor.

5th. For the passage of resolutions declaring that congress has the right to abolish slavery in the district of Columbia and the different territories of the United States; also, that congress has the right to prohibit the slave trade between the several states of this Union, and that in regard to all these objects congress ought immediately to exercise their power.

6th. For the passage of resolutions instructing the Senators and requesting the representatives in congress from this State, to exert themselves to procure the abolition of slavery and the slave trade in the district of Columbia and the territories where they exist, and the slave trade between the several states, and to oppose the admission of any new state into the confederacy whose constitution tolerates domestic slavery; and also to oppose the annexation of Texas to the United States.

On motion of Mr. Stokely,

So much of said petition as relates to making towns and cities liable for property destroyed by mobs within their limits, was referred to the select committee on that subject.

So much of the same as relates to an alteration of the school laws, was referred to the standing committee on schools and school lands.

The remaining parts of the petition were referred to the standing committee on the judiciary.

Mr. Green, on leave, presented the account of J. B. Crist against the State of Ohio; which was referred to the standing committee on claims.

On motion of Mr. Walton,

The Senate took up the bill (S. No. 22) dividing the State of Ohio into judicial circuits.

The bill was amended, when

Mr. McLaughlin moved that the further consideration of the bill be postponed until the first Monday of December next; and

Pending the consideration of that question,

On motion of Mr. Smith,

The Senate adjourned.

Attest

C. J. McNULTY, Clerk.

THURSDAY, *January 3, 1839.*

The Senate met pursuant to adjournment.

Mr. Saylor presented a petition from the President of the Greenville, New Madison, and New Paris Turnpike Company, praying an amendment of the charter of said company; which was referred to Mr. Saylor.

Mr. Wade presented sundry petitions from citizens of Knox county in relation to slavery, the slave trade, and the rights of persons of color.

Mr. Thompson objected to the reception of said petitions because the names of the petitioners were written upon separate pieces of paper from the petition.

The chair then announced the question to be, "Shall the petitions be received?" upon which question Mr. Wade called for the yeas and nays; which were ordered, and were, yeas 29, nays 6—as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Cox, Craighill, Fuller, Green, Harlan, Hostetter, Ihrig, James, McLaughlin, Morris, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Tod, Thomas, Tracy, Vanmetre, Wade, Walton, and White—29.

Nays—Messrs. Holmes, Matthews, Stadden, Thompson, Utter, and Speaker—6.

So the petitions were received; and

On motion of Mr. Wade,

Referred to the standing committee on the judiciary.

Mr. Birch presented a petition from citizens of Lorain county in relation to slavery and the slave trade; which was referred to the standing committee on the judiciary.

Mr. Craighill presented petitions from citizens of Sandusky and Lucas counties, praying the erection of a new county to be called Salem; which were referred to the standing committee on new counties.

Mr. Bates presented a remonstrance from citizens of Williams county against the removal of the seat of justice of said county; which was laid upon the table.

Mr. Birch presented a petition from citizens of Lorain county praying the passage of a law securing to every human being in this State the right of trial by jury, in all cases where his or her personal liberty is concerned; which was referred to the standing committee on the judiciary.

Mr. Birch presented remonstrances from citizens of Medina county against the erection of the new county of Scott; which were committed to the same committee of the whole Senate to which had heretofore been committed the bill to erect said county.

Mr. Powers presented petitions from citizens of Portage county, praying the erection of a new county, the county seat whereof to be at Cuyahoga Falls; which were committed to the same committee of



the whole Senate to which had heretofore been committed the bill to erect the county of Scott.

Mr. Powers presented a petition from citizens of Portage county, praying the erection of a new county, the county seat whereof to be at Akron; which was referred to the same committee of the whole Senate to which had heretofore been committed the bill to erect the county of Scott.

Mr. Ihrig presented petitions from citizens of Wayne county, praying an alteration in the laws regulating labor in the Ohio penitentiary; which were referred to the standing committee on the penitentiary.

Mr. Matthews presented a petition from citizens of Holmes county, praying the extension of the Walhonding canal, up the Kilbuck creek, to Millersburg, in said county; which was referred to the same committee of the whole Senate to which was heretofore committed the bill to provide for said extension.

Mr. Thomas presented a petition from citizens of Miami county, praying an amendment of the law regulating the commercial hospital and lunatic asylum of Ohio; which was referred to the standing committee on medical colleges and societies.

Mr. Thomas presented a series of resolutions signed by the president and secretary of the Greenville, New Madison, and New Paris turnpike company, praying an amendment of their charter; which were referred to the select committee heretofore appointed on that subject.

Mr. Harlan presented a petition from sundry citizens of Ohio remonstrating against the construction of the Mad River feeder to the Miami canal; which was referred to the standing committee on canals.

Mr. Thompson, from the select committee on that subject, reported a bill to incorporate the village of Mechanicstown, in the county of Carroll; which was read the first time.

Mr. Bates, from the select committee on that subject, reported a bill to incorporate the Hancock county hydraulic company; which was read the first time.

Mr. Tracy, on leave, reported a bill to incorporate the first baptist church of Peru, Huron county; which was read the first time.

Mr. Tracy gave notice, that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the Huron and Mansfield McAdamized or turnpike road company; also

A bill to incorporate the first baptist church in Berlin.

Mr. Matthews gave notice, that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the Roscoe Iron Company, in the county of Coshocton.

On motion of Mr. Thompson, the Senate took up the resolution, No. 1, of the Senate, in relation to the banks of this State.

The first amendment having been agreed to,

The question pending was announced by the chair to be on agreeing to the second amendment reported by the committee on the currency, striking out the first three interrogatories.

A division having been called for, the question turned on agreeing to the first part of the amendment, striking out the first interrogatory; upon which question the yeas and nays were called, and were, yeas 4, nays 30, as follows:

Yeas—Messrs. Allen, Hostetter, Tod, and Speaker—4.

Nays—Messrs. Bates, Birch, Brady, Cox, Craighill, Fuller, Green, Harlan, Holmes, Ihrig, James, Matthews, McLaughlin, Morris, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thomas, Tracy, Utter, Vanmetre, Wade, Walton, and White—30.

So the first clause of the amendment was rejected.

The question then recurred on agreeing to the remaining parts of the second amendment reported by the committee, striking out the second and third interrogatories; which was taken and lost.

The third, fourth, fifth, and sixth amendments reported by the committee were then agreed to.

On the question of agreeing to the seventh amendment, striking out all after the word "sum," in line thirty-four, to the end of the twelfth interrogatory, Mr. Thomas called for the yeas and nays, which were ordered, and were, yeas 14, nays 20.

Yeas—Messrs. Allen, Birch, Brady, Craighill, Holmes, Hostetter, Matthews, Saylor, Shideler, Stadden, Tod, Utter, Walton, and Speaker—14.

Nays—Messrs. Bates, Cox, Fuller, Green, Harlan, James, McLaughlin, Morris, powers, Rodgers, Smith, Stokely, Shannon, Spangler, Thompson, Thomas, Tracy, Vanmetre, Wade, and White—20.

So the amendment was rejected.

On the question of agreeing to the eighth amendment of the committee, striking out the twenty-fourth interrogatory, Mr. Thomas called for the yeas and nays, which were ordered, and were, yeas 25, nays 8, as follows, to wit:

Yeas—Messrs. Allen, Birch, Brady, Craighill, Holmes, Hostetter, James, Matthews, McLaughlin, Morris, Powers, Rodgers, Smith, Stokely, Shannon, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Vanmetre, Walton, White, and Speaker—25.

Nays—Messrs. Bates, Cox, Fuller, Green, Harlan, Spangler, Thomas, and Wade—8.

So the amendment was agreed to.

The ninth amendment of the committee was then disagreed to.

The tenth and eleventh amendments were severally agreed to.

On the question of agreeing to the twelfth amendment of the committee, striking out the twenty-fifth interrogatory, Mr. Thomas called for the yeas and nays, which were ordered, and were, yeas 22, nays 13, as follows, to wit:

Yeas—Messrs. Allen, Birch, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, Powers, Rodgers, Smith, Shannon, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmetre, Walton, White, and Speaker—22.

Nays—Messrs. Bates, Cox, Fuller, Green, Harlan, James, McLaughlin, Morris, Stokely, Spangler, Thomas, Tracy, and Wade—13.

So the amendment was agreed to.

The remaining amendments proposed by the committee were then agreed to.

Mr. Stokely moved the following amendment, to come in at the end of the seventh interrogatory, to wit: "And are these notes desired by, and in demand among the people?"

[ Mr. Thompson suggested an amendment of the amendment, by the addition thereto of these words, to wit: "Or do they prefer them to specie?" which was accepted by the mover as a modification of the original amendment.

On the question of agreeing to the amendment as modified, Mr. Thomas called for the yeas and nays; which were ordered, and were, yeas 8, nays 25—as follows, to wit:

Yeas—Messrs. Cox, Fuller, Harlan, James, Smith, Stokely, Thomas, and Tracy—8.

Nays—Messrs. Allen, Bates, Birch, Brady, Craighill, Green, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Powers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmetre, Wade, Walton, and Speaker—25.

So the amendment was rejected.

On motion of Mr. Spangler,

The resolution and amendments were then laid upon the table.

Mr. Stokely presented, on leave, a petition from citizens of Jefferson county praying,

1st. The passage of a law making towns and cities liable for property destroyed by mobs within their limits;

2d. The general repeal of all laws placing disabilities upon persons of color.

On motion of Mr. Stokely,

So much of the petition as relates to making towns and cities liable for property destroyed by mobs within their limits, was referred to the select committee on that subject.

So much of the same as relates to an alteration of the school laws, in regard to persons of color, was referred to the standing committee on schools and school lands.

The remaining parts of the petition were referred to the standing committee on the judiciary.

Mr. Holmes gave notice, that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the Commercial Insurance Company of Cincinnati; also

A bill regulating sales at auction, in the county of Hamilton.

On motion of Mr. James,

The Senate then adjourned.

Attest,

C. J. McNULTY, Clerk.



FRIDAY, *January 4, 1839.*

The Senate met pursuant to adjournment.

Mr. Birch presented a memorial from citizens of Lorain county, praying the passage of a law, allowing one party to a suit at law to compel the other to testify touching the matters in controversy; which was referred to the standing committee on the judiciary.

Mr. Wade presented petitions from citizens of Ashtabula county, in relation to slavery and the slave trade in the District of Columbia and the different territories, and also, in relation to the right of trial by jury; which were referred to the standing committee on the judiciary.

Mr. Hostetter presented remonstrances from citizens of Stark county against the erection of the proposed new county of Scott; which were committed to the same committee of the whole senate, to which had heretofore been committed the bill to erect said county.

Mr. Ihrig presented a petition from citizens of Wayne county, praying the repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. Shannon presented petitions from a majority of the voters in the township of Goshen, in the county of Belmont, asking the revival of so much of an act passed January 29, 1827, as relates to the school lands of Goshen township; which was referred to the standing committee on schools and school lands.

Mr. Matthews presented petitions from citizens of Holmes county, praying the extension of the Walhonding canal up the Kilbuck creek to Millersburg, in said county; which were committed to the same committee of the whole senate, to which had heretofore been committed the bill to provide for said extension.

Mr. McLaughlin presented a petition from citizens of the state of Ohio, praying the erection of a new county out of parts of Richland, Wayne, Knox, and Holmes counties, the seat of justice thereof to be at Loudonville; which was referred to the standing committee on new counties.

Mr. Cox, from the joint committee on enrollment, reported, that said committee had examined and found duly enrolled the following bills, to wit:

An act extending the time of payment for section sixteen, in Lemon township, Butler county;

An act to change the name of the town of Plymouth, in the south part of Plymouth township, to that of Richland, in the county of Richland;

An act authorizing the revaluation of section twenty-nine, in the original surveyed township number four, in the second entire range, between the Miami rivers, in Warren county;

An act to authorize the commissioners of Wood county to borrow money;

An act to lay out and establish a state road in the counties of Sandusky and Lucas;

An act to incorporate the Winchester fire association;

An act to lay out and establish a state road in the counties of Richland and Wayne;

An act to incorporate the Bigelow high school of Xenia.

The following bills were severally read the second time, committed to a committee of the whole senate, and made the order of the day for this day, to wit:

(S. No. 42.) A bill to incorporate the village of Mechanicstown, in the county of Carroll;

(S. No. 43.) A bill to incorporate the Hancock county hydraulic company;

(S. No. 44.) A bill to incorporate the first Baptist church in Peru, Huron county.

A Message from the House of Representatives.

Mr. Speaker:

The house has passed the following bill, to which the concurrence of the senate is requested; to wit:

A bill to prohibit the issuing and circulation of small bills.

Attest,

W. H. BLODGET, *Clerk.*

The bill from the house was read the first time.

On motion of Mr. Utter,

The senate then resolved itself into a committee of the whole, Mr. Shideler in the chair, on the bill (S. No. 20,) to repeal the act entitled, an act to authorize a loan of credit by the state of Ohio, to rail road companies, and to authorize subscriptions by the state to the capital stock of turnpike, canal and slackwater navigation companies, passed March 24, 1837, and the same was reported back without amendment; and,

On motion of Mr. Wade,

Laid upon the table.

On motion of Mr. Saylor,

The senate again resolved itself into a committee of the whole, Mr. Wade in the chair, on the bill (H. No. 36,) for the relief of John Wolf, and the same was reported back without amendment; and,

On motion of Mr. Smith,

Recommitted to the standing committee on the judiciary.

Mr. Thomas moved that the senate take up the resolution (S. No. 1) in relation to the banks of this state.

Mr. Ihrig moved that the senate proceed to the orders of the day, upon which question the yeas and nays were called, and were, yeas 20, nays 15, as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Powers, Rodgers, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—20.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Smith, Stokely, Shannon, Thomas, Tracy, Vanmetre, Wade and White—15.

So the question was agreed to, and

The senate accordingly resolved itself into a committee of the whole, Mr. Craighill in the chair, on the bill (S. No. 24,) to erect the county of Scott, and after some time spent therein, the committee rose, reported progress, and asked leave to sit again, which was granted.

On motion of Mr. McLaughlin,

The bill, (S. No. 22,) dividing the State of Ohio into judicial circuits was taken up.

The chair announced the question to be on ordering the bill to be engrossed for its third reading, in order to its final passage.

Pending the same,

Mr. Morris moved that the Senate adjourn; upon which question Mr. Thomas called for the yeas and nays; which were ordered, and were, yeas 16, nays 18; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, McLaughlin, Morris, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmeter, Wade, and White—16.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, and Speaker—18.

So the question was lost.

The question then recurred on ordering the bill to be engrossed for its third reading.

Mr. Thomas moved that the Senate adjourn, upon which question the yeas and nays were called, and were, yeas 18, nays 17; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, Ihrig, James, McLaughlin, Morris, Powers, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmeter, Wade, and White—18.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Matthews, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, and Speaker—17.

So the question was carried; and

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

---

SATURDAY, *January 5, 1839.*

The Senate met pursuant to adjournment.

Mr. Wade presented a petition from citizens of Ashtabula county, praying the repeal of certain laws.

On motion of Mr. Wade,

So much of the said petition as relates to the repeal of certain portions of the school laws, was referred to the standing committee on schools and school lands.

The remaining parts of the petition were referred to the standing committee on the judiciary.

Mr. Hostetter presented remonstrances from citizens of Stark coun-



ty, against the erection of the proposed new county of Scott; which were committed to the same committee of the whole Senate, to which had heretofore been committed the bill to erect said county.

Mr. Birch presented a petition from citizens of Lorain county, praying the repeal of the license laws and regulating the sale of distilled spirits; which was referred to the standing committee on the judiciary.

Mr. Allen presented a remonstrance from citizens of Marion county, against the erection of the proposed new county of Benton; which was committed to the same committee of the whole Senate, to which had heretofore been committed the bill to erect the said county.

Mr. Ihrig presented petitions from citizens of Wayne county, praying an amendment of the laws regulating labor in the Ohio penitentiary; which were committed to the standing committee on the penitentiary.

Mr. Matthews presented a petition from citizens of the counties of Richland and Holmes, praying the location of a graded state road through parts of said counties; which was referred to the standing committee on roads and highways.

Mr. Ihrig presented a petition from citizens of Wayne, Knox and Holmes counties; praying the location of a graded state road through parts of said counties; which was referred to the standing committee on roads and highways.

The Speaker presented petitions from citizens of Washington and Athens counties, praying the erection of a new county, the county seat thereof to be at Plymouth; which were referred to the standing committee on new counties.

Mr. James presented a petition from citizens of Champaign county, praying the construction of a free turnpike road from Springfield to Upper Sandusky; which was referred to the standing committee on roads and highways.

Mr. Tod presented a petition from F. W. Bingham, of Cuyahoga county, praying an amendment of the law regulating writs of attachment before justices; which was referred to the standing committee on the judiciary.

Mr. Wade presented a petition from citizens of Ashtabula county, praying the legislature to adopt resolutions in relation to slavery and the slave trade; which was referred to the standing committee on the judiciary.

Mr. Powers presented a petition from citizens of the State of Ohio, praying the passage of an act incorporating the Aurora academical association; which was referred to Mr. Powers.

Mr. Allen, from the standing committee on new counties, to which the petitions on that subject had been referred, reported a bill to erect the county of Beaver, and to attach a part of the county of Lucas to the county of Henry; which was read the first time.

Mr. Saylor, from the select committee to which petitions on that subject had been referred, reported a bill to amend an act entitled, an act to incorporate the Greenville, New Madison, and New Paris turnpike company; which was read the first time.

Mr. McLaughlin, from the select committee to which petitions on that subject had been referred, reported a bill to amend an act entitled, an act to incorporate the Mansfield and New Haven railroad company; which was read the first time.

The following bill was read the second time, to wit:

(H. No. 45.) A bill to prohibit the issuing and circulation of small bills.

Mr. Saylor moved that the bill be made the special order of the day for Monday next.

Upon which question the yeas and nays were called, and were—yeas 15, nays 20—as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Utter, Walton and Speaker—15.

Nays—Messrs. Birch, Brady, Cox, Fuller, Green, Harlan, James, Matthews, Morris, Powers, Rodgers, Smith, Stokely, Thompson, Tod, Thomas, Tracy, Vanmetre, Wade and White—20.

So the question was lost.

The bill was then committed to a committee of the whole Senate, and made the order of the day for this day.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to incorporate the western phrenological society of Cincinnati, Ohio;

A bill amendatory of an act entitled, an act to abolish imprisonment for debt, passed March 19, 1838;

A bill to lay out a state road in the counties of Cuyahoga, Medina and Wayne;

A bill to incorporate the town of Logan, in Hocking county;

A bill authorizing a lottery for the relief of Samuel Rohrer;

A bill to change the name of the town of Gaillard, in the county of Mercer.

The House has passed a resolution ordering five thousand copies of the report of the special master commissioner on the Ohio Life Insurance and Trust Company, to which the concurrence of the Senate is requested.

The House insists on its amendment to the bill of the Senate, allowing and regulating writs of attachment before justices of the peace, passed January 7, 1824.

Attest,

W. H. BLODGET, Clerk.

The resolution of the House was referred to the standing committee on the currency.

On motion of Mr. Walton,

The Senate insisted upon their disagreement to the amendment of the House, and asked a committee of conference on the subject matter of the disagreement.

Ordered, that the House be informed thereof.

Mr. Hostetter, on leave, presented remonstrances from citizens of Stark county, against the erection of the proposed new county of Scott; which were committed to the same committee of the whole Senate, to which had heretofore been committed the bill to erect said county.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to organize the town of Hamilton, in the county of Butler, into two separate and independent school districts;

A bill to amend the act entitled, an act to provide for the incorporation of townships;

A bill to incorporate the St. John's church of Lancaster, in Fairfield county;

A bill to incorporate the Oxford female academy;

A bill to amend an act entitled, an act to incorporate the Windham school fund, passed February 18, 1830.

The House has passed the resolution of the Senate, appointing a joint select committee to investigate the concerns of the Farmers' Bank of Canton, with one amendment, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The amendment of the House to the resolution of the Senate, was agreed to.

Ordered, that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The House has passed a resolution instructing the canal commissioners as to damages to the owners of land on the Mercer county reservoir of the Miami canal extension, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Spangler,

The resolution from the House was referred to the standing committee on canals.

Mr. White gave notice that he would, on Monday or some subsequent day of the present session, ask leave to introduce a bill to amend the act entitled, an act to incorporate the town of Portsmouth, in the county of Scioto.

Mr. Tracy, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the first baptist church, in the township of Berlin, in Huron county; which was read the first time.

On motion of Mr. Spangler,

The resolution from the House, providing for certain elections on this day, was taken up, amended, and agreed to.



Ordered, that the House be informed thereof.

Mr. Morris offered the following resolution, to wit:

*Resolved by the General Assembly of the State of Ohio,* That the canal commissioners be instructed to cause an examination of the country lying between the Ohio canal and the Miami canal, with a view of connecting the Miami canal, at or near Dayton, with the Columbus feeder, or with the Ohio canal at Circleville, or some other more practicable point between Columbus and Circleville; so as to ascertain the practicability, the feasibility, and the expense and probable advantage of such connecting canal; and make report to the next General Assembly

On motion of Mr. Spangler,

The resolution was referred to the standing committee on canals.

Mr. Spangler gave notice that he would, on Monday next or some subsequent day of the present session, ask leave to introduce a bill to provide for the appointment of one fund commissioner to fill the vacancy occasioned by the resignation of Gen. Simon Perkins, which is now filled by Jeremiah Morrow, Esq., appointed by the Governor, and whose term of service will expire at the rising of the present session of the General Assembly.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills, to which the signature of the Speaker of the Senate is also requested, to wit:

A bill to incorporate the Bigelow high school of Xenia;

A bill to lay out and establish a State road in the counties of Richland and Wayne;

A bill to incorporate the Winchester fire association;

A bill to lay out and establish a State road in the counties of Sandusky and Lucas;

A bill to authorize the county commissioners of Wood county to borrow money;

A bill authorizing the revaluation of section twenty-nine, in the original surveyed township number four, in the second entire range between the Miami rivers, in Warren county;

A bill to change the name of the town of Plymouth, in Plymouth township, to that of Richland, in the county of Richland;

A bill extending the time of payment by the purchasers of section sixteen, in Lemon township, Butler county;

A bill to incorporate the first presbyterian church and society, in the town and county of Huron.

Attest,

W. H. BLODGET, Clerk.

Thereupon, the Speaker of the Senate signed the enrolled bills from the House.

Mr. Matthews, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the Roscoe iron company, in the county of Coshocton; which was read the first time.

Mr. Holmes, pursuant to previous notice, asked and obtained leave,

and introduced the following bills; which were read the first time, to wit:

A bill regulating sales at auction in the county of Hamilton;

A bill to incorporate the commercial insurance company of Cincinnati.

Mr. Fuller offered the following resolution, which was amended and agreed to, to wit:

*Resolved by the Senate and House of Representatives*, That five thousand copies of the second annual report of the superintendent of common schools be printed for the use of the members of this General Assembly.

Ordered to the House for concurrence.

Mr. Utter offered the following resolution, to wit:

*Resolved*, That hereafter when the Senate adjourn, it will adjourn to ten o'clock, A. M., and when it takes a recess, it shall be to two o'clock, P. M. until otherwise ordered.

Mr. Green moved to lay the resolution on the table; upon which question the yeas and nays were called, and were, yeas 12, nays 23; as follows, to wit:

Yeas—Messrs. Cox, Fuller, Green, Powers, Rodgers, Smith, Stokely, Thompson, Thomas, Vanmeter, Wade, and White—12.

Nays—Messrs. Allen, Bates, Birch, Brady, Craighill, Harlan, Holmes, Hostetter, Ibrig, James, Matthews, McLaughlin, Morris, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Tracy, Utter, Walton, and Speaker—23.

So the question was lost.

Pending several motions to amend,

On motion of Mr. Tod,

The resolution was then laid on the table.

The Speaker announced Messrs. Thompson and Powers, members on the part of the Senate, of the joint select committee to visit and examine the Farmers' and Mechanics' Bank of Canton.

A message from the House of Representatives.

Mr. Speaker:

The House has agreed to the amendments of the Senate to the resolution of the House providing for certain elections on this day.

Attest,

W. H. BLODGET, Clerk.

A message from the House of Representatives.

Mr. Speaker:

The hall of the House is now ready for the reception of the Senate to proceed to the election of certain officers, in accordance with the provisions of a joint resolution adopted for that purpose.

Attest,

W. H. BLODGET, Clerk.

The Senate then, preceded by their Speaker and clerk, repaired to the hall of the House of Representatives, and being seated within the bar, both Houses proceeded, in accordance with a previous resolution,

to the election of two associate judges for the county of Holmes; when upon counting the votes there appeared,

For Jacob Vorhes.....	58 votes.
Peter Croco.....	58
Blanks and scattering.....	14

Jacob Vorhes and Peter Croco having received the votes of a majority of all the members of the General Assembly, were, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected associate judges of the county of Holmes, to serve for the constitutional term of seven years from and after the eighth day of February, 1839.

The Houses next proceeded to elect an associate judge for the county of Scioto; when upon counting the ballots there appeared,

For Abijah Batterson.....	52 votes.
William Givens.....	48
Blank.....	1

Abijah Batterson having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected an associate judge for the county of Scioto, to serve for the constitutional term of seven years from and after the seventh day of February, eighteen hundred and thirty-nine.

The House next proceeded to elect an associate judge for the county of Mercer; and, upon counting the ballots, there appeared for

David Hayes,.....	59 votes
Blanks and scattering.....	6 "

David Hayes having received the votes of a majority of all the members of the General Assembly, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected an associate judge for the county of Mercer, to serve for the constitutional term of seven years from and after the seventh day of February, eighteen hundred and thirty-nine.

The Houses next proceeded to elect one associate judge for the county of Harrison; and, upon counting the ballots, there appeared for

John Hanna.....	59 votes.
Blanks and scattering.....	15 "

John Hanna having received the votes of a majority of all the members of the General Assembly, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected an associate judge for the county of Harrison, to serve for the constitutional term of seven years from and after the seventh day of February, 1839.

The Houses next proceeded to elect an associate judge for the county of Perry; and, upon counting the ballots, there appeared for

John McGinley.....	56 votes.
Blanks and scattering.....	19 "



John McGinley having received the votes of a majority of all the members of the General Assembly, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected an associate judge for the county of Perry, to serve for the constitutional term of seven years from and after the seventh day of February, 1839

The Houses next proceeded to elect an associate judge for the county of Perry; and, upon counting the ballots, there appeared for

Nicholas H. Taylor -	-	-	-	-	58 votes.
Blanks and scattering	-	-	-	-	18 "

Nicholas H. Taylor having received the votes of a majority of all the members of the General Assembly, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected an associate judge for the county of Perry, to serve for the constitutional term of seven years from and after the rising of the present session of the General Assembly.

The election being over, the members of the Senate retired to their chamber.

Mr. Cox, from the standing committee on enrollment, reported that said committee had deposited in the office of the Secretary of State the following enrolled acts, for which they had taken his receipt:

An act extending the time of payment for section sixteen, in Lemon township, Butler county;

An act to change the name of the town of Plymouth, in the south part of Plymouth township, to that of Richland, in the county of Richland;

An act authorizing the revaluation of section twenty-nine, in the original surveyed township number four, in the second entire range between the Miami rivers, in Warren county;

An act to authorize the commissioners of Wood county to borrow money;

An act to lay out and establish a State road in the counties of Sandusky and Lucas;

An act to incorporate the Winchester Fire Association;

An act to lay out and establish a State road in the counties of Richland and Wayne;

An act to incorporate the Bigelow High School of Xenia;

An act to incorporate the First Presbyterian Church and Society in the town and county of Huron.

Mr. Walton gave notice that he would, on Monday next, or some subsequent day of the present session, ask leave to introduce a bill to incorporate the Evangelical Protestant Congregation of Monroe county.

On motion of Mr. McLaughlin,

The Senate then adjourned until Monday.

Attest,

C. J. McNULTY, Clerk.

MONDAY, *January 7, 1839.*

The Senate met pursuant to adjournment.

Mr. Allen presented a petition from citizens of Delaware county, praying that every human being may be allowed the right of trial by jury, in all cases where his or her personal liberty is concerned; which was referred to the standing committee on the judiciary.

Mr. Wade presented a petition from citizens of Ashtabula county, praying the repeal of the law entitled, an act to authorize a loan of credit by the State of Ohio to railroad companies, and to authorize subscriptions by the State to the capital stock of turnpike, canal, and slack-water navigation companies; which was laid upon the table.

Mr. Allen presented petitions from citizens of Delaware county, praying the repeal of all laws in this State which make any distinction among its inhabitants on account of color, and in relation to the subject of slavery generally; which were referred to the standing committee on the judiciary.

Mr. Hostetter presented remonstrances from citizens of Stark county, against any division of the territory of said county; which were committed to the same committee of the whole Senate, to which had heretofore been committed the bill to erect the county of Scott.

Mr. Harlan presented a petition from citizens of Green county, praying the repeal of the existing school law, and the renewal of the law as it existed in 1835 and '36; which was referred to the standing committee on schools and school lands.

Mr. Craighill presented a petition from citizens of Crawford and Seneca counties, praying for a special appropriation of the three per cent fund; which was referred to Mr. Craighill.

Mr. Craighill presented a petition from citizens of Sandusky county, for the incorporation of the Lower Sandusky hydraulic association; which was referred to Mr. Craighill.

Mr. Rodgers presented a remonstrance from citizens of Athens county, against the erection of a new county out of parts of the counties of Washington and Athens; which was referred to the standing committee on new counties.

Mr. Birch presented a remonstrance from citizens of Homer township, in Lorain county, against being attached to the county of Medina; which was committed to the same committee of the whole Senate, to which had heretofore been committed the bill to erect the county of Scott.

The Speaker presented a remonstrance from citizens of Washington county, against the erection of the proposed new county of Chester; which was referred to the standing committee on new counties.

Mr. Tracy presented a petition from the commissioners, sheriff, auditor, and prosecuting attorney of Huron county, praying the passage of an act authorizing the commissioners of said county to borrow money; which was referred to Mr. Tracy.

Mr. Matthews presented a petition from citizens of Holmes county,

praying the extension of the Walbonding canal, up the Kilbuck creek to Millersburg, in said county; which was committed to the same committee of the whole Senate, to which had heretofore been committed the bill to provide for said extension.

Mr. Matthews presented a petition from citizens of Holmes county, praying the repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. Holmes presented a petition from citizens of Hamilton county, praying legislative encouragement to the growth of mulberry, and the culture of silk; which was referred to the standing committee on agriculture, commerce, and manufactures.

Mr. Powers, from the select committee to which petitions on that subject had been referred, reported a bill to incorporate the Middleberry silk and beet sugar company, in the county of Portage; which was read the first time.

Mr. Powers, from the select committee to which petitions on that subject had been referred, reported a bill to incorporate the Aurora academical association, in the county of Portage; which was read the first time.

The following bills were then severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 45.) A bill to erect the county of Beaver, and to attach a part of the county of Lucas to the county of Henry;

(S. No. 46.) A bill to amend an act entitled, an act to incorporate the Greenville, New Madison, and New Paris turnpike company;

(S. No. 47.) A bill to amend the act entitled, an act to incorporate the Mansfield and New Haven rail road company;

(S. No. 48.) A bill to incorporate the first Baptist church in the township of Berlin, Huron county;

(S. No. 49.) A bill to incorporate the Rosco iron company in the county of Coshocton;

(S. No. 50.) A bill to regulate sales at auction in the county of Hamilton;

(S. No. 51.) A bill to incorporate the commercial insurance company of Cincinnati.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill to which the concurrence of the Senate is requested, to wit:

A bill to divorce Mary Ellen Inskeep from her husband Wm. H. Inskeep.

Attest,

W. H. BLODGET, *Clerk.*

The bill from the House was read the first time.

Mr. Spangler, pursuant to previous notice, asked and obtained leave, and introduced a bill to appoint a commissioner of the canal fund; which was read the first time.

Mr. Morris gave notice that he would on to-morrow or some subse-



quent day of the present session, ask leave to introduce a bill to authorize the fund commissioners of Clinton county to loan to the town council of the town Wilmington, a sum of money not exceeding two thousand dollars of the surplus revenue, deposited with said county.

On motion of Mr. Thomas,

The bill. (S. No. 22,) dividing the State of Ohio into judicial circuits was taken up.

The chair announced the question to be on ordering the bill to be engrossed for its third reading in order to its final passage.

Mr. Walton moved to lay the bill upon the table, upon which question the yeas and nays were called, and were, yeas 22, nays 13; as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Oliver, Powers, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Walton, White, and Speaker—22.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Rodgers, Smith, Thomas, Tracy, Vanmeter, and Wade—13.

So the question was agreed to, and the bill was laid upon the table.

On motion of Mr. McLaughlin, it was

*Resolved*, That Arthur Taggart be permitted to withdraw from the files of Senate, his petitions and accompanying documents, presented at the last session of the legislature, praying for certain relief.

A message from the House of Representatives.

Mr. Speaker.

The following bills have been reported to the House and read the first time, to wit:

A bill to amend the "act fixing the rate of interest and to punish usury;"

A bill to incorporate the life union society of the township of Bath, Medina county;

A bill to incorporate the Blendon young men's seminary;

A bill to incorporate the Worthington female seminary;

A bill for the relief of Frederick H. Bryan;

A bill for the relief of Caleb Imlay;

A bill to vacate certain alleys in the town of Massillon, and to establish a street in said town;

A bill to incorporate the town of Washington in the county of Guernsey.

The House has passed a resolution ordering one thousand copies of the report of the directors of the Ohio lunatic asylum to be printed for the use of this General Assembly, and the directors, to which the concurrence of the Senate is requested.

The House has passed a resolution ordering one thousand copies of the special report of the board of canal commissioners to be printed for the use of said board and the members of this General Assembly, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, Clerk.

The resolutions from the House were severally agreed to.

Ordered that the House be informed thereof.

Mr. White, pursuant to previous notice, asked and obtained leave, and introduced a bill to amend the act entitled, an act to incorporate the town of Portsmouth in the county of Scioto; which was read the first time.

Mr. McLaughlin offered the following resolution, to wit:

*Resolved by the General Assembly of the State of Ohio, That the canal commissioners be instructed to cause such further and other examination of the extension of the Walhonding and Mohican canal up the Black fork of Mohican, from a point in Mason's meadow in the county of Richland, up the valley of the Black fork of Mohican, to Ganges, in said county, and report definitely in relation to the utility and practicability, together with the estimates of such route as deemed practicable, to the next General Assembly.*

On motion of Mr. Ihrig,

The resolution was referred to the standing committee on canals.

Mr. Wade submitted the following resolution; which was ordered to lie upon the table, to wit:

Whereas, it has heretofore been customary for the legislature of this State on divers occasions to appoint its members to offices of honor, trust and profit; and whereas, such practices manifestly tend to pernicious and unwarrantable combinations among members, to promote the objects of private interest or ambition, rather than the public good; therefore,

*Resolved by the Senate and House of Representatives of the State of Ohio, That no Senator or Representative of this or any future legislature of this State, ought, during the time for which he shall have been elected, be elected or appointed to any office, trust or appointment of honor, trust or profit, during such time—any custom or usage to the contrary notwithstanding.*

Mr. Birch presented a remonstrance from citizens of Grafton township in Lorain county, against being attached to Medina county; which was committed to the same committee of the whole Senate, to which had heretofore been committed the bill to erect the county of Scott.

Mr. Tracy, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the Huron county silk company; which was read the first time.

On motion Mr. Ihrig,

The Senate then resolved itself into a committee of the whole, Mr. Mr. Craighill in the chair, on the bill to erect the county of Scott, and the same was reported back without amendment.

Mr. Hostetter moved to amend the bill by striking out the first section thereof, and inserting in its lieu, the following, to wit:

*"Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That the townships of Northfield, Twinsburg, Hundson, Boston, Northampton, Stow, Talmage, Portage, Coventry, Springfield and Suffield, in the county of Portage; Richland, Bath, Copley, Norton, and Wadsworth, in the county of Medina, and a strip of land to be taken off from the east side of the township of Sharon and Granger in said county of Me-*

dina; which shall be as near a mile in width as the same can be without dividing the lots into which the said townships have been surveyed, and shall contain not less than five thousand acres, be and the same is hereby erected into a new county; which shall be known by the name of Summit; and said strip of land so as aforesaid to be taken off from said township of Sharon, be and the same is hereby attached to, and made part of the township of Copley, and said strip of land so as aforesaid, to be taken off from said township of Granger, be, and the same is hereby attached to, and made part of the township of Bath; and for the purpose of restoring the county of Medina to its constitutional limits, the townships of Grafton, Homer and Spencer in the county of Lorain, be and the same are hereby attached to and made part of the county of Medina."

On motion of Mr. Birch,

The bill with the pending amendments was laid upon the table, and the amendment ordered to be printed.

Mr. Oliver, pursuant to previous notice, asked and obtained leave, and introduced a bill for the relief of E. Stone; which was read the first time.

Mr. James, pursuant to previous notice, asked and obtained leave, and introduced a bill to authorize the county commissioners of Champlain county to borrow money; which was read the first time.

On motion of Mr. Holmes,

The senate resolved itself into a committee of the whole, Mr. Brady in the chair, on the bill (S. No. 27,) to incorporate the Etna fire company of Elyria, and the same was reported back without amendment, amended and ordered to be engrossed for its third reading in order to its final passage on to-morrow.

On motion of Mr. Birch,

The committee of the whole were discharged from the further consideration of the bill (S. No. 36,) to incorporate the first Congregational church and society of Ridgeville, in the county of Lorain, and the same was taken up, amended, and ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

Mr. Tod moved that the senate take up the resolution in relation to the hours of the daily adjournment of the senate; upon which question the yeas and nays were called.

Mr. Green moved that the senate adjourn; upon which question the yeas and nays were called, and were, yeas 15, nays 19, as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Oliver, Powers, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmetre, and Wade—15.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Walton and Speaker—19.

So the question was lost.

Mr. James moved that the senate resolve itself into a committee of the whole; upon which question the yeas and nays were called, and were, yeas 7, nays 26, as follows, to wit:



Yeas—Messrs. Birch, Cox, James, Rodgers, Thomas, Tracy, and Wade—7.

Nays—Messrs. Allen, Bates, Brady, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Oliver, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Vanmetre, Walton, and Speaker—26.

So the question was lost.

It then wanting 25 minutes of six o'clock, Mr. Smith moved that the senate adjourn; upon which question the yeas and nays were called, and were, yeas 10, nays 24, as follows, to wit:

Yeas—Messrs. Birch, Fuller, Green, Harlan, Morris, Oliver, Powers, Rodgers, Smith and Vanmetre—10.

Nays—Messrs. Allen, Bates, Brady, Cox, Craighill, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Thomas, Tracy, Utter, Wade, Walton and Speaker—24.

So the question was lost.

It now wanting 15 minutes of 6 o'clock, Mr. Thomas moved that the senate proceed to the orders of the day; upon which question the yeas and nays were called, and were, yeas 7, nays 28, as follows, to wit:

Yeas—Messrs. Green, Harlan, James, Rodgers, Thomas, Tracy and Wade—7.

Nays—Messrs. Allen, Bates, Birch, Brady, Cox, Craighill, Fuller, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Powers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Vanmetre, Walton, White and Speaker—28.

So the question was lost.

The question then recurred upon taking up the resolution; which was agreed to, as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Cox, Craighill, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Morris, Powers, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Thomas, Tracy, Utter, Vanmetre, Walton and Speaker—28.

Nays—Messrs. Fuller, Green, Oliver, Rodgers, Smith, Wade and White—7.

Mr. McLaughlin moved to amend the resolution by striking out the word "ten," where it occurs, and inserting in lieu thereof, the words "half past nine;" upon which question the yeas and nays were called, and were, yeas 11, nays 23, as follows, to wit:

Yeas—Messrs. Bates, Holmes, Hostetter, James, McLaughlin, Morris, Powers, Saylor, Thomas, Tracy and Wade—11.

Nays—Messrs. Allen, Birch, Brady, Cox, Craighill, Fuller, Green, Holmes, Ihrig, Matthews, Rodgers, Smith, Stokely, Shannon, Spangler, Shideler, Stadden, Tod, Utter, Vanmetre, Walton, White and Speaker—23.

So the question was lost.

The resolution was then agreed to.

On motion of Mr. Fuller, the senate then adjourned.

Attest,

C. J. M'NULTY, *Clerk.*

TUESDAY, January 8, 1839.

The Senate met pursuant to adjournment.

Mr. Wade presented a petition from citizens of Ashtabula county, praying that the right of trial by jury may be extended to every human being in this State, in all cases where his or her personal liberty is concerned; which was referred to the standing committee on the judiciary.

Mr. Wade presented a petition from citizens of Ashtabula county, praying the repeal of all laws of this State which make any distinction among its inhabitants on account of color; which was referred to the standing committee on the judiciary.

Mr. Wade presented a petition from citizens of Ashtabula county, praying the adoption by the legislature of resolutions in relation to slavery and the slave trade in the District of Columbia and the different territories; which was referred to the standing committee on the judiciary.

Mr. Wade presented a petition from citizens of Ashtabula county, praying the legislature to adopt resolutions against the annexation of Texas to the United States; which was referred to the standing committee on the judiciary.

Mr. Bates presented a remonstrance from citizens of Hancock county, against any division of the territory of said county; which was referred to the standing committee on new counties.

Mr. Bates presented a petition from citizens of Lucas county, praying the removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Saylor presented the thirteenth annual catalogue of the officers and students, and the second triennial catalogue of the officers and graduates of the Miami university; which were referred to the standing committee on colleges and universities.

Mr. Vanmetre presented the petition of Louisa Kirsch, of the county of Ross, praying a divorce from her husband, Christian Kirsch; which was referred to the standing committee on the judiciary.

Mr. Stokely presented the petition of the trustees of Franklin college, in Harrison county, for legislative aid; which was referred to the standing committee on colleges and universities.

Mr. Tracy presented a petition from citizens of Huron county, praying the incorporation of the first presbyterian church and congregation of Birmingham in said county; which was referred to Mr. Tracy.

Mr. Holmes presented a petition from citizens of Hamilton county, praying an amendment of the law regulating the sale of section sixteen in Columbia township, in said county; which was referred to Mr. Holmes.

Mr. Powers presented a petition from citizens of Portage county, praying the erection of a new county, the county seat thereof to be at Cuyahoga Falls; which was laid upon the table.

The following bills were severally read the second time, committed

to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 52.) A bill to incorporate the Middlebury silk and beet sugar company in the county of Portage;

(S. No. 53.) A bill to incorporate the Aurora academical association in the county of Portage;

(S. No. 55.) A bill to amend the act entitled an act to incorporate the town of Portsmouth, in the county of Scioto;

(S. No. 56.) A bill to incorporate the Huron county silk company;

(S. No. 58.) A bill to authorize the county commissioners of Cham-paign county to borrow money.

The following bill was read the second time, and

On motion of Mr. McLaughlin,

Committed to a committee of the whole Senate, and made the special order of the day for to-morrow, to wit:

(S. No. 54.) A bill appointing a commissioner of the canal fund.

The following bill was read the second time, and

On motion of Mr. Oliver,

Recommitted to the standing committee on canals, to wit:

(S. No. 57.) A bill for the relief of Ethan Stone.

The following bill was read the second time, and

On motion of Mr. Green,

Recommitted to the standing committee on the judiciary, to wit:

(H. No. 58.) A bill to divorce Mary Ellen Inskeep from her husband, William H. Inskeep.

The following bills of the Senate were severally read the third time and passed, to wit:

An act to incorporate the first congregational church and society of Ridgeville, in the county of Lorain;

An act to incorporate the Etna fire company of Elyria.

Ordered, that the titles be as aforesaid, and that the concurrence of the House be requested.

A message from the House of Representatives.

Mr. Speaker:

The House has acceded to the request of the Senate, for a committee of conference on the bill of the Senate allowing and regulating writs of attachment before justices of the peace, and have appointed Messrs. Flood, Lowe, and Andrews of Franklin, a committee on the part of the House.

Attest,

W. H. BLODGET, *Clerk.*

Whereupon the Speaker announced Messrs. Tod and Thomas the committee on the part of the Senate.

Ordered that the House be informed thereof.

Mr. Cox, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled the following bills and resolutions, to wit:

An act for the relief of W. H. Starrett;

An act to incorporate the presbyterian church of Zanesville;



An act to lay out and establish a state road in the counties of Wood, Henry, Putnam, Hancock, Allen and Hardin;

An act to incorporate the New Lexington branch of the Zanesville and Maysville turnpike road company;

An act to incorporate the Johnstown lyceum, in the county of Licking;

An act further to amend the act entitled, an act to incorporate the Zanesville and Maysville turnpike road company, passed March 7, 1836;

Resolution directing the survey of a canal route in the counties of Portage and Geauga;

Resolution extending the time for the payment of taxes.

Mr. Tracy, from the select committee to which petitions on that subject had been referred, reported a bill to authorize the commissioners of Huron county to borrow money; which was read the first time.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the resolution of the Senate providing for printing certain copies of the annual report of the superintendent of common schools, with amendments, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk*.

On motion of Mr. Ihrig,

The resolution and amendments were recommitted to the standing committee on schools and school lands.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill, to which the concurrence of the Senate is requested, to wit:

A bill to reduce the corporate limits of the town of Centreville, in Montgomery county.

The following bills have been reported to the House and read the first time, to wit:

A bill to create the thirteenth judicial circuit in the State of Ohio;

A bill to amend the act allowing and regulating writs of attachment;

A bill to incorporate the town of Brownsville, in the county of Licking.

Attest,

W. H. BLODGET, *Clerk*.

The bill from the House was read the first time.

On motion of Mr. Green,

The report of the directors of the lunatic asylum, and the report of the directors to whom the erection of said institution was confided, were taken up and referred to the standing committee on public institutions.

Mr. Green offered the following resolution; which was amended and agreed to, as follows, to wit:

*Resolved by the Senate,* That the Auditor of State be required to report forthwith to the Senate the several banks in this State that surrendered the right to issue notes or bills of less denomination than five dollars, and the particular mode in which such surrender was made, under the provisions of an act entitled An act to prohibit the circulation of small bills, passed March 14, 1836; also the amount of tax levied on the several banks in this State since the passage of that act, showing the amount assessed on each, and for each year separately; also if he has drawn on any bank in this State, in favor of the Treasurer of State, for the amount of twenty per cent. on the dividends of such bank that has refused to comply with the provisions of the said act, whether the same has been paid; and if any bank has refused to pay the same, whether such bank has been proceeded against in the manner pointed out in the first section of the said act; and if so, what has been the result?

Mr. Morris, pursuant to previous notice, asked and obtained leave, and introduced a bill to authorize the fund commissioners of Clinton county to loan money to the town council of the town of Wilmington; which was read the first time.

Mr. McLaughlin moved that the Senate take up the bill (S. No. 24) to erect the county of Scott; upon which question the yeas and nays were called, and were, yeas 18, nays 14—as follows, to wit:

Yeas—Messrs. Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Oliver, Powers, Shannon, Spangler, Saylor, Stadden, Tod, Utter, Walton, and Speaker—18.

Nays—Messrs. Allen, Birch, Cox, Fuller, Green, James, Morris, Rodgers, Stokely, Thomas, Tracy, Vanmetre, Wade, and White—14.

So the question was carried, and the bill was taken up.

The chair announced the question to be on agreeing to the amendment pending when the bill was laid upon the table.

Mr. McLaughlin moved to amend the pending amendment, by striking out of the proposed substitute for the first section of the bill, so much thereof as relates to the townships of Homer and Spencer, in the county of Lorain; upon which question the yeas and nays were called, and were ordered.

Mr. Stokely moved to recommit the bill to the standing committee on new counties; upon which question,

Mr. Powers called for the yeas and nays; which were ordered, and were, yeas 12, nays 20—as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, McLaughlin, Morris, Oliver, Rodgers, Stokely, Tracy, Vanmeter, Wade, and White—12.

Nays—Messrs. Bates, Brady, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, James, Matthews, Powers, Shannon, Spangler, Saylor, Stadden, Tod, Thomas, Utter, Walton, and Speaker—20.

So the question was lost.

The question then recurred upon the amendment to the amendment, and a division being called for, the question turned upon striking out so much as relates to the township of Spencer; upon which question

the yeas and nays were called, and were, yeas 12, nays 13—as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Green, McLaughlin, Morris, Oliver, Thomas, Tracy, Vanmeter, Wade, and White—12.

Nays—Messrs. Bates, Brady, Craighill, Fuller, Holmes, Hostetter, Ihrig, James, Powers, Stokely, Shannon, Spangler, Saylor, Stadden, Tod, Utter, Walton, and Speaker—18.

So the question was lost.

The question next turned on striking out of the proposed amendment so much thereof as relates to the township of Homer in Lorain county; upon which question the yeas and nays were called, and were, yeas 11, nays 20, as follows, to-wit:

Yeas—Messrs. Allen, Birch, Cox, Green, McLaughlin, Morris, Oliver, Thomas, Tracy, Wade and White—11. 1

Nays—Messrs. Bates, Brady, Craighill, Fuller, Homes, Hostetter, Ihrig, James, Matthews, Powers, Stokely Shannon, Spangler, Saylor, Stadden, Tod, Utter, Vanmetre, Walton and Speaker—20.

So the question was lost.

Mr. Birch further moved to amend the amendment by striking out so much thereof as relates to the township of Grafton, in the county of Lorain; upon which question the yeas and nays were called, and were, yeas 15, nays 17, as follows, to-wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, James, McLaughlin, Morris, Oliver, Rodgers, Stokely, Thomas, Tracy, Vanmetre, Wade and White—15.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, Powers, Shannon, Spangler, Saylor, Stadden, Tod, Utter, Walton and Speaker—17.

So the question was lost.

Mr. Birch further moved to amend the amendment by striking out so much thereof as relates to the township of Wadsworth, in the county of Medina; upon which question the yeas and nays were called, and were, yeas 16, nays 16, as follows, to-wit:

Yeas—Messrs. Allen, Birch, Cox, Fuller, Green, James, McLaughlin, Morris, Oliver, Rodgers, Stokely, Thomas, Tracy, Vanmetre, Wade and White—16.

Nays—Messrs. Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, Powers, Shannon, Spangler, Saylor, Stadden, Tod, Utter, Walton and Speaker—16.

So the question was lost.

The question then recurred upon the amendment, and pending the same Mr. Powers moved to lay the bill upon the table; upon which question the yeas and nays were called, and were, yeas 19, nays 13, as follows, to-wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Fuller, Holmes, Hostetter, Oliver, Powers, Rodgers, Stokely, Shannon, Spangler, Saylor, Stadden, Tod, Utter, Walton and Speaker—19.

Nays—Messrs. Birch, Cox, Green, Ihrig, James, Matthews, McLaughlin, Morris, Thomas, Tracy, Vanmetre, Wade and White—13.



So the question was carried, and the bill was laid upon the table.

Mr. Tracy, from the select committee to which petitions on that subject had been referred, reported a bill to incorporate the Huron and Mansfield turnpike or McAdamized road company; which was read the first time.

Mr. Tracy, from the select committee to which petitions on that subject had been referred, reported a bill to incorporate the first congregational church and society in Birmingham, Huron county; which was read the first time.

On motion of Mr. Allen,

The Senate then adjourned.

Attest:

C. J. McNULTY, *Clerk.*

---

WEDNESDAY, January 9, 1839.

The senate met pursuant to adjournment.

Mr. McLaughlin presented petitions from citizens of Richland, Wayne, Knox and Holmes counties, praying the erection of a new county out of parts of said counties; which was referred to the standing committee on new counties.

Mr. Bates presented a petition from citizens of Lucas county, praying the removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Bates presented a petition from citizens of Williams county, praying the removal of the seat of justice of said county to the town of Freedom, in said county; which was referred to the standing committee on new counties.

Mr. Wade presented a petition from citizens of Ashtabula county, praying the passage of certain laws.

On motion of Mr. Wade,

So much of said petition as relates to the repeal of certain portions of the school law, was referred to the standing committee on schools, and the remaining parts thereof were referred to the standing committee on the judiciary.

Mr. Wade presented a petition from citizens of Ashtabula county, praying the legislature to pass resolutions against the admission into the Union of any new State, whose constitution tolerates domestic slavery; which was referred to the standing committee on the judiciary.

Mr. Wade presented a petition from citizens of Ashtabula county, praying the legislature to pass resolutions against the admission of Texas into the Union; which was referred to the standing committee on the judiciary.

Mr. Spangler presented petitions from citizens of the county of Ross, against the repeal of the law depriving negroes of the right of bearing testimony in a suit, when one of the parties to which may be a white man; which were referred to the standing committee on the judiciary.

Mr. Ihrig presented a petition from citizens of Wayne county, pray-

ing the repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. Powers presented petitions from citizens of Portage county, praying the erection of a new county, the county seat thereof to be at Akron; which were laid upon the table.

Mr. Craighill presented petitions from citizens of Crawford and Seneca counties, for an appropriation of the three per cent. fund; which were referred to the select committee heretofore appointed on that subject.

Mr. Birch presented remonstrances from citizens of Medina county, against a division of the territory of said county; which were laid upon the table.

Mr. Rodgers presented a petition from citizens of Lawrence county, praying the location of a graded state road through parts of Lawrence, Scioto and Jackson counties; which was referred to the select committee heretofore appointed on that subject.

Mr. Fuller, from the standing committee on schools and school lands, to which had been recommitted the resolution of the senate, providing for the printing of the report of the superintendent of common schools, together with the amendments thereto of the house, reported the same back without amendment.

The question was announced by the speaker to be on agreeing to the first amendment of the house, striking out the word "five," where it occurs in the resolution and inserting in lieu thereof the word "ten;" upon which question the yeas and nays were called, and were, yeas 19, nays 12, as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Craighill, Fuller, Holmes, Hostetter, Matthews, Powers, Rodgers, Stokely, Spangler, Shideier, Tod, Thomas, Utter, Wade and Speaker—19.

Nays—Messrs. Cox, Ihrig, James, McLaughlin, Morris, Oliver, Shannon, Saylor, Stadden, Vanmetre, Walton and White—12.

So the question was carried, and the amendment was agreed to.

The remaining amendments of the house were then agreed to.

Ordered, that the house be informed thereof.

Mr. Cox, from the standing committee on enrollment, reported that said committee had examined and found duly enrolled, the following bills, to wit:

An act to amend an act entitled, an act to incorporate the Marietta and Newport turnpike road and bridge company;

An act to incorporate the first congregational presbyterian church and society in the township of Bristol, in the county of Trumbull;

An act to attach a part of the county of Jackson to the county of Ross;

An act to amend an act entitled, an act to incorporate the German reformed synod of Ohio;

An act to incorporate the particular baptist church of Granville, in the county of Licking.

Mr. Craighill, from the select committee to which petitions on that subject had been referred, reported a bill to incorporate the Lower Sandusky hydraulic association; which was read the first time.

The following bills were then severally read the second time, committed to a committee of the whole senate, and made the order of the day for this day, to wit:

(S. No. 59.) A bill to authorize the commissioners of Huron county to borrow money;

(S. No. 60.) A bill to authorize the fund commissioners of Clinton county to loan money to the town council of the town of Wilmington;

(S. No. 61.) A bill to incorporate the Huron and Mansfield turnpike or McAdamized road company;

(S. No. 62.) A bill to incorporate the first congregational church and society of Birmingham, Huron county;

(H. No. 72.) A bill to reduce the corporate limits of the town of Centreville, in the county of Montgomery.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the house and read the first time, to wit:

A bill to incorporate the Western Reserve teachers' seminary;

A bill to lay out and establish a state road in the counties of Mercer and Vanwert;

A bill for the relief of certain leasees of section 16, in Newton township, in Muskingum county.

The Speaker of the house has signed the following enrolled bills, to which the signature of the Speaker of the senate is also requested, to-wit:

A resolution authorizing the board of canal commissioners to have surveyed a route for a certain canal therein named;

A resolution authorizing the auditor and treasurer of state to receive taxes on certain lands and town lots;

A bill further to amend the act entitled, An act to incorporate the Zanesville and Maysville turnpike road company, passed March 7th, 1836;

A bill to incorporate the New Lexington branch of the Zanesville and Maysville turnpike road company;

A bill to lay out and establish a state road in the counties of Wood, Henry, Putnam, Hancock, Allen and Hardin;

A bill for the relief of W. H. Sterrett;

A bill to incorporate the presbyterian church of Zanesville.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon the Speaker of the senate signed the enrolled bills from the house.

Mr. Thomas offered the following resolution, which was agreed to, to-wit:

*Resolved*, That the auditor of state report to the senate at as early a day as practicable in regard to the following particulars:

1st. What measures have been taken to ascertain and apply the nett tolls arising from the Miami canal north of Dayton to the extension thereof, in accordance with the provisions of the "act to author-



ize the selection, location, sale and application of the proceeds of lands granted by Congress, to aid the State of Ohio in extending the Miami canal," passed 31st December, 1831?—and particularly—

2d. Whether separate accounts have been kept at the collector's office at Dayton, by which the amount of tolls accruing from the navigation of said canal north of Dayton can be ascertained; and if so, what amount of such tolls have been collected at Dayton?

3d. The amount of tolls which have accrued from the navigation of the Miami canal north of Dayton, and collected in each year at the respective collectors' offices.

Mr. Fuller offered the following resolution, which was agreed to, and ordered to the house for concurrence, to-wit:

*Resolved by the Senate and House of Representatives, That nine thousand five hundred and fifty-one copies of the second annual report of the superintendent of common schools, ordered to be printed for the use of the members of this General Assembly, be delivered by the State printer to the said superintendent to be by him distributed by mail or such other means as he may be able to obtain, at the expense of the State, to the several county auditors for the use of the township and school district clerks in the several counties.*

On motion of Mr. Powers,

The senate took up the bill (S. No. 24) to erect the county of Scott.

The chair announced the question to be, on agreeing to the amendment striking out the first section and inserting other matter in lieu thereof; upon which question the yeas and nays were called, and were—yeas 21, nays 11—as follows, to wit:

Yeas—Messrs. Bates, Brady, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, Oliver, Powers, Rodgers, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Walton and Speaker—21.

Nays—Messrs. Allen, Birch, Cox, Green, James, McLaughlin, Morris, Thomas, Vanmetre, Wade and White—11.

So the question was carried, and the amendment was agreed to.

Mr. Allen then moved to lay the bill upon the table; upon which question the yeas and nays were called, and were—yeas 13, nays 19—as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Green, James, Morris, Oliver, Rodgers, Stokely, Thomas, Vanmetre, Wade and White—13.

Nays—Messrs. Bates, Brady, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Powers, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Walton and Speaker—19.

The bill was then further amended, when the question recurred upon ordering the bill to be engrossed for its third reading in order to its final passage; upon which question the yeas and nays were called, and were—yeas 22, nays 10—as follows, to-wit:

Yeas—Messrs. Bates, Brady, Craighill, Fuller, Holmes, Hostetter, Ihrig, James, Matthews, Oliver, Powers, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Thomas, Utter, Walton and Speaker, 24.

Nays—Messrs. Allen, Birch, Cox, Green, McLaughlin, Morris, Rodgers, Vanmetre, Wade and White—10.

So the question was carried, and the bill was ordered to be engrossed for its third reading in order to its final passage on to-morrow.

On motion of Mr. Spangler,

The bill (S. No. 22) dividing the State of Ohio into judicial circuits, was taken up, and

On motion of Mr. Tod,

Recommitted to the standing committee on the judiciary.

On motion of Mr. Morris,

The senate resolved itself into a committee of the whole, Mr. Ihrig in the chair, on the bill (S. No. 28) for the relief of Hugh Murray; and the same was reported back without amendment, and

On motion of Mr. McLaughlin,

Laid upon the table.

Mr. McLaughlin, on leave, presented the deposition of John Murray, in the case of Hugh Murray; which was laid upon the table.

Mr. Green, on leave, from the standing committee on medical colleges and societies, to which petitions on the subject had been referred, reported a bill to incorporate the directors of the literary and botanico medical college of Ohio; which was read the first time.

On motion of Mr. Holmes,

The Senate resolved itself into a committee of the whole, Mr. Walton in the chair, on the bill (H. No. 54) to incorporate the McConnellsville library and reading room association, and the same was reported back with sundry amendments, which were agreed to, and the amendments were ordered to be engrossed, and with the bill read a third time on to-morrow, in order to its final passage.

On motion of Mr. Walton,

The Senate again resolved itself into a committee of the whole, Mr. Matthews in the chair, on the bill (H. No. 53) to incorporate the town of Quincy, in the county of Logan; and the same was reported back with sundry amendments, which were agreed to, and ordered to be engrossed, and with the bill read a third time on to-morrow.

On motion of Mr. Allen,

The Senate again resolved itself into a committee of the whole, Mr. Oliver in the chair, on the resolution (S. No. 2) providing for an amendment of the constitution of this State; and the same was reported back without amendment, and

On motion of Mr. McLaughlin,

Laid on the table.

On motion of Mr. Tod,

The standing committee on the judiciary were instructed to inquire whether any amendments are necessary to the act establishing a court in bank.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House, and read the first time, to wit:

A bill to amend the act entitled An act to provide for the election of

prosecuting attorneys, passed January 29th, 1833, so as to provide for any neglect of duty on the part of said officers;

A bill to amend the act entitled An act for the punishment of crimes, passed March 7th, 1835, so as to include any person having in his or her possession any base or counterfeit coin;

A bill to amend the act defining the duties of supervisors of roads and highways;

A bill to revive and amend the act entitled An act to incorporate the Norwalk and Huron railroad company, passed March 7th, 1835.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. White in the chair, on the bill (H. No. 30) to amend the act entitled An act to provide for the election of county assessors; and the same was reported back without amendment.

Mr. Ihrig moved the indefinite postponement of the bill; upon which question the yeas and nays were called, and were, yeas 5, nays 24—as follows, to wit:

Yeas—Messrs. Allen, Ihrig, James, McLaughlin, and Wade—5.

Nays—Messrs. Bates, Birch, Brady, Cox, Craighill, Fuller, Green, Holmes, Hostetter, Matthews, Morris, Powers, Rodgers, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Vanmeter, Walton, White, and Speaker—24.

So the question was lost.

The question then recurred upon ordering the bill to be read a third time in order to its final passage on to-morrow; which was taken and carried.

On motion of Mr. Walton,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

THURSDAY, January 10, 1839.

The Senate met pursuant to adjournment.

Mr. Spangler presented a bill of the costs in the court martial of the State of Ohio against Col. Jacob Bope and Capt. Jonas A. Ream; which was referred to the standing committee on military affairs.

Mr. Green presented a petition from citizens of Circleville, Pickaway county, praying the repeal of so much of the act authorizing the corporate authorities of certain towns to grant licenses to retailers of spirituous liquors, as relates to the town of Circleville; which was laid upon the table.

Mr. Bates presented a petition from citizens of Williams county, praying the appointment of commissioners to locate the county seat of said county; which was referred to the standing committee on new counties.



Mr. Bates presented a petition from citizens of Williams county, praying the removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Ihig presented petitions from citizens of Wayne county, praying the construction of a canal from the vicinity of Wooster along the valley of the Kilbuck and Chippewa creeks, to connect with the Ohio canal at Clinton, or at the south end of the Akron summit; which were referred to the standing committee on canals.

Mr. Wade presented a petition from citizens of Ashabula county, in relation to slavery and the slave trade in the district of Columbia; which was referred to the standing committee on the judiciary.

Mr. Wade presented a petition from citizens of Ashtabula county, praying a repeal of the laws of this State, making distinctions among its inhabitants on account of color; which was referred to the standing committee on the judiciary.

Mr. Rodgers presented a petition from citizens of Lawrence county, praying a removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Rodgers presented a remonstrance from citizens of Washington and Athens counties, against the erection of the proposed new county of Chester; which was referred to the standing committee on new counties.

Mr. Holmes presented a memorial from the president of the city council of Cincinnati, asking a loan of credit from the State for certain purposes; which was referred to the standing committee on finance.

Mr. Walton, from the standing committee on the judiciary, to which had been been recommitted the bill, (H. No. 36,) for the relief of John Wolf, reported the same back with one amendment.

On motion of Mr. Walton,

The bill and amendment were laid upon the table.

Mr. Walton, from the standing committee on the judiciary, to which the petition on that subject had been referred, reported a bill to divorce Louisa Kirsch from Christian Kirsch; which was read the first time.

Mr. Walton, from the standing committee on the judiciary, to which petitions on that subject had been referred, made the following report; which was agreed to, to wit:

The standing committee on the judiciary, to whom was referred the petition of sundry citizens of Lorain county praying amendment to the 12th section of the "act defining the powers and duties of justices of the peace and constables in civil cases," have had the same under consideration, and now report as follows:

The petitioners set forth that the 12th section of the said act causes great trouble in the collection of debts, and does great injustice to the creditor, as it obliges him to follow the debtor wherever he may reside; (and especially in the collection of small debts, the cost to the creditor is more than the debt.)

They then pray that the aforesaid 12th section be so amended as to allow the creditor to commence his suit, either where the plaintiff or defendant resides. They further pray, that in case a general law

amended be objected to, it be amended to apply only the Western Reserve.

This is a subject which in various forms has been frequently heretofore submitted to the consideration of the legislature of this State, and has been as often rejected. Were this the first time the subject was submitted for legislative action, it might be proper to enter more into detail in setting forth the manifold objections which exist to the policy and propriety of granting the prayer of the petitioners. That such a provision by law would tend greatly to the interest of the merchant, innkeeper and other dealers residing in your principal towns and villages, is frankly admitted. But the excessive abuses to which such a provision would be constantly liable, as, for instance, the dragging of the debtor from the most remote part of the county to the seat of justice, induce your committee promptly to decide against the prayer of the petitioners.

Your committee therefore offer for adoption the following resolution.

*Resolved*, That the committee be discharged from the further consideration of the subject.

Mr. Walton, from the standing committee on the judiciary, to which petitions on that subject had been referred, made the following report; which was agreed to, to wit:

The standing committee on the judiciary, to whom was referred the petitions of citizens of Wellington, Ohio, praying the legislature "to repeal the present license laws, regulating the sale of distilled spirits, and also to pass a law prohibiting the retailing of spirits as a drink or beverage," have had the subject under consideration and now report:

That at an early period of the present session, the law referred to by the petitioners, was, by a reference of House bill, (No. 31,) to amend the "act granting licenses and regulating taverns," brought under the notice and consideration of your committee. We were then of opinion that said law did not need amendment, and the present petitioners have not shown any reason which operates to produce a change of the opinion of the committee.

We therefore offer for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject.

Mr. Tod, from the standing committee on the judiciary, to which had been recommitted the bill, (S. No. 16,) to provide for the collection of demands against steam-boats and other water crafts, reported the same back with sundry amendments.

On motion of Mr. Walton,

The bill and amendments were committed to a committee of the whole Senate, and made the order of the day for this day.

Mr. Tod, from the standing committee on the judiciary, to which

had been recommitted the bill (S. No. 35) to provide for the appointment of wreck masters and defining their duties, reported the same back with sundry amendments.

On motion of Mr. Tod,

The bill and amendments were committed to a committee of the whole Senate, and made the order of the day for this day.

Mr. Tod, from the standing committee on the judiciary, to which the petition on that subject had been referred, reported a bill to authorize Lucius W. Lessingwell to sell certain land of his minor children; which was read the first time.

Mr. Matthews, from the standing committee on canals, to which was referred the resolution instructing the canal commissioners of this State to cause an examination of the country lying between the Ohio canal and the Miami canal, with a view of connecting the Miami canal at or near Dayton, with the Columbus feeder, or with the Ohio canal at Circleville or some more practicable point between Columbus and Circleville, reported said resolution back without amendment, and recommend the passage thereof.

On motion of Mr. Tod,

The resolution was laid upon the table.

Mr. Rodgers, from the select committee to which petitions on that subject had been referred, reported a bill to lay out and establish a graded state road in the counties of Lawrence, Scioto and Jackson; which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 63.) A bill to incorporate the Lower Sandusky hydraulic company;

(S. No. 64.) A bill to incorporate the literary and botanico medical college of Ohio.

The following bill of the Senate was read the third time, to wit:

An act to erect the county of Scott.

The question being,

Shall the bill pass?

Mr. Powers called for the yeas and nays, which were ordered, and were—yeas 21, nays 10—as follows, to wit:

Yeas—Messrs. Bates, Brady, Craighill, Fuller, Holmes, Hostetter, Ihrig, James, Matthews, Oliver, Powers, Stokely, Shaanon, Spangler, Shideler, Stadden, Tod, Thomas, Utter, Walton and Speaker—21.

Nays—Messrs. Allen, Birch, Cox, Green, McLaughlin, Morris, Rodgers, Vanmetre, Wade and White—10.

So the question was carried.

On motion of Mr. Powers,

The title of the bill was amended by striking out the word "Scott" where it occurs, and inserting in lieu thereof the word "Summit."

Ordered, that the concurrence of the House be requested.

The following acts of the House were severally read the third time and passed, to wit:



An act to amend the act for the election of county assessors;

An act to incorporate the town of Quincy, in the county of Logan;

An act to incorporate the M'Connellsville library and reading room association.

Ordered, that the titles be as aforesaid, and that the House be informed thereof.

On motion of Mr. Wade,

The Senate took up resolution (S. No. 6) in relation to the election of members of the legislature to offices.

Mr. Spangler moved the indefinite postponement of the resolution, upon which question,

Mr. Wade called for the yeas and nays.

Mr. Stokely moved that the Senate adjourn, upon which question, Mr. Allen asked for the yeas and nays, which were—yeas 6, nays 25—as follows, to wit:

Yeas—Messrs. Birch, Fuller, Powers, Rodgers, Stokely and White—6.

Nays—Messrs. Allen, Bates, Brady, Cox, Craighill, Green, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Shannon, Spangler, Shideler, Stadden, Tod, Thomas, Utter, Vanmetre, Wade, Walton and Speaker—25.

So the question was lost.

The question then recurred upon the indefinite postponement of the resolution, which was taken as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, McLaughlin, Powers, Shannon, Spangler, Shideler, Stadden, Tod, Utter, Walton and Speaker—16.

Nays—Messrs. Birch, Cox, Fuller, Green, Ihrig, James, Matthews, Morris, Oliver, Rodgers, Stokely, Thomas, Vanmetre, Wade and White—15.

So the question was carried, and the resolution was indefinitely postponed.

On motion of Mr. Green,

The Senate then adjourned.

Attest: . . .

C. J. McNULTY, Clerk.

FRIDAY, *January 11, 1839.*

The Senate met pursuant to adjournment.

Mr. Rodgers presented the remonstrance and accompanying papers of S. Beckley, of Lawrence county, against the removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Bates presented a petition from citizens of Hancock county, praying the erection of a new judicial circuit; which was laid upon the table.

Mr. Spangler presented petitions from citizens of Hocking county, praying the passage of a law authorizing the sale of school section No. 16, in Falls township, in said county; which were referred to the standing committee on schools and school lands.

Mr. Craighill presented a petition from citizens of Crawford and Lucas counties for an appropriation of the three per cent. fund; which was referred to the select committee heretofore appointed on that subject.

On motion of Mr. Craighill,

The Speaker appointed Mr. Allen an additional member of said select committee.

Mr. Green presented petitions from citizens of the town of Circleville, Pickaway county, praying the repeal of so much of the law, authorizing the corporate authorities of certain towns to grant licenses to retail spirituous liquors, as relates to the town of Circleville; which were laid upon the table.

Mr. Bates presented a petition from citizens of Williams county for a removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Stokely, from the standing committee on colleges and universities, to which had been recommended the bill (H. No. 23) to incorporate the Martinsburg academy of Knox county, reported the same back without amendment; and the question being on ordering the bill to a third reading in order to its final passage on to-morrow, it was taken and carried.

Mr. Tod, from a committee of conference, made the following report:

The committee of conference, on the subject of disagreement between the Houses in relation to the bill of the Senate (No. 17) amending the act allowing writs of attachment before justices of the peace, have met and considered the same, and agreed to recommend to the two Houses that the House of Representatives recede from their amendment to said bill.

The report was agreed to.

Ordered that the House be informed thereof.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S No. 65.) A bill to divorce Louisa Kersch from Christian Kersch.

(S. No. 66.) A bill to authorize Lucius W. Lessingwell to sell certain land of his minor children.

(S. No. 67.) A bill to lay out and establish a State road in the counties of Lawrence, Scioto, and Jackson.

(H. No. 70.) An act to incorporate the town of McConnellsville.

The following bill was read the second time, and

On motion of Mr. Tod,

Recommended to the standing committee on the judiciary, to wit:

An act allowing juries before justices of the peace.

A message from the House of Representatives.

Mr. Speaker:

The following bill has been reported to the House, and read the first time, to wit:

A bill to incorporate the Lancaster and Columbus turnpike road company.

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to incorporate the town of McConnellsville;

A bill to allow juries before justices of the peace.

The House has passed the following bill of the Senate, to wit:

A bill to incorporate the town of Mason, in the county of Warren.

Attest,

W. H. BLODGET, *Clerk*.

The bills from the House were read the first time.

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills, to which the signature of the Speaker of the Senate is also requested, to wit:

A bill to authorize the county commissioners of Crawford county to borrow money;

An act to amend an act entitled An act to incorporate the Marietta and Newport turnpike road and bridge company;

A bill to amend the act entitled An act to incorporate the German reformed synod of Ohio;

A bill to incorporate the first congregational and presbyterian church and society in the township of Bristol, in the county of Trumbull;

A bill to attach a part of the county of Jackson to the county of Ross,

A bill to incorporate the Rockport lyceum, in the county of Cuyahoga;

A bill to incorporate the particular baptist church of Granville, in the county of Licking.

The House has agreed to the report of the committee of conference on the bill of the Senate to amend the act allowing and regulating writs of attachment before justices of the peace.

Attest,

W. H. BLODGET, *Clerk*.

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

A message from the House of Representatives.

Mr. Speaker:

The House has agreed to the amendments of the Senate to the following bills of the House, to wit:

A bill to incorporate the town of Quincy, in the county of Logan;

A bill to incorporate the McConnellsville library and reading room association.



The House has passed a resolution providing for printing certain copies of the annual report of the trustees of the medical college of Ohio, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk*.

The question on agreeing to the resolution from the house was taken and lost.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the house, and read the first time, to wit:

A bill for the appointment of foreign commissioners;

A bill amendatory of an act entitled "An act regulating judgments and executions," passed March 1st, 1831;

A bill to erect the county of Plymouth;

A bill to authorize the corporate authorities of the city of Chillicothe to borrow money for school purposes;

A bill for the extension of the Walhonding canal up the Black fork of the Mohican to Ganges in the county of Richland;

A bill to amend the act entitled "An act to incorporate the borough of Ashtabula."

The house has agreed to all the amendments of the Senate to the bill of the house to incorporate the Miamisburg fire insurance company, except the fourteenth and fifteenth, which are disagreed to.

The house has passed a resolution in relation to the condition of the public arms; in which they ask the concurrence of the senate.

Attest,

W. H. BLODGET, *Clerk*.

On motion of Mr. Shideler,

The senate receded from their amendments to the bill of the house to incorporate the Miamisburg fire insurance company, to which the house had disagreed.

The resolution from the house was agreed to.

Ordered that the house be informed thereof.

On motion of Mr. Powers,

The committee of the whole were discharged from the further consideration of the bill (S. No. 40) to incorporate the first universalist society of Akron, in the county of Portage; and the same was taken up, amended and ordered to be engrossed for its third reading in order to its final passage on to-morrow.

On motion of Mr. Green,

The petitions of citizens of Circleville, Pickaway county, praying the repeal of a portion of the law in relation to the sale of spirituous liquors, were taken up and referred to Mr. Green.

Mr. Walton, pursuant to previous notice, asked and obtained leave and introduced a bill to incorporate the evangelical protestant congregation of Monroe county; which was read the first time.

On motion of Mr. Ihrig,

The senate resolved itself into a committee of the whole, Mr. Tod

in the chair, on the bill (H. No. 57) to incorporate the town of Greenville, and the same was reported back without amendment, and ordered to a third reading in order to its final passage on to-morrow.

On motion of Mr. Thomas,

The senate reconsidered the votes by which they receded from their amendments to the bill of the house, incorporating the Miamisburg fire insurance company.

The question again recurred upon receding from the amendments; which was taken and lost.

On motion of Mr. Thomas,

The senate insisted on their amendments.

Ordered that the house be informed thereof.

Mr. Thomas gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to authorize the school district consisting of the town of Troy in the county of Miami, to borrow money;

Also—a bill to amend the charter of the town of Troy in the county of Miami.

On motion of Mr. Stadden,

The bill to divorce Harriet Houck from her husband, Jonathan T. Houck, was taken up; and the question being on ordering the bill to a third reading in order to its final passage on to-morrow, it was taken and carried.

On motion of Mr. White,

The committee of the whole were discharged from the further consideration of the bill (S. No. 30) to authorize the county commissioners of Scioto county to make additional compensation to the contractor who built the court house in said county, and for other purposes; and the same was taken up and ordered to be engrossed for its third reading in order to its final passage on to-morrow.

On motion of Mr. Ihrig,

The senate resolved itself into a committee of the whole, Mr. Spangler in the chair, on the bill (H. No. 55) to incorporate the grand lodge of the independent order of odd fellows of the State of Ohio; and after some time spent therein, the committee rose, reported progress and asked leave to sit again, which was granted.

A message from the House of Representatives.

Mr. Speaker:

The house has passed the following act to which the concurrence of the senate is requested, to-wit:

A bill prohibiting the sale of section sixteen in Hanover township, Columbiana county;

A bill to extend the provisions of an act entitled "An act to provide for the internal improvement of the State of Ohio by navigable canals";

A bill to authorize county commissioners of Portage county to increase the tax in said county for county purposes;

A bill for the relief of Abner Enoch;

A bill to vacate certain alleys in the town of New Haven in the county of Huron.

Attest,

W. H. BLODGET, *Clerk.*

The bills from the hose were read the first time.

On motion of Mr. Utter,

The senate again resolved itself into a committee of the whole, Mr. Spangler in the chair, on the bill (H. No. 55) to incorporate the grand lodge of the independent order of odd fellows of the State of Ohio, and the same was reported back with one amendment; which was agreed to, and the same was ordered to be engrossed, and with the bill read a third time on to-morrow.

On this question the yeas and nays were called, and were, yeas 16, nays 13, as follows, to-wit:

Yeas—Messrs. Allen, Brady, Craighill, Green, Holmes, Hostetter, Matthews, Oliver, Rodgers, Stokely, Shannon, Tod, Utter, Walton, White and Speaker—16.

Nays—Messrs. Bates, Birch, Cox, Fuller, Ihrig, James, McLaughlin, Morris, Spangler, Shideler, Thomas, Vanmetre and Wade—13.

Mr. Bates gave notice that he would on to-morrow or some subsequent day of the present session, ask leave to introduce a bill to incorporate the grace church of Maumee city,

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Rodgers in the chair, on the bill (S. No. 54) to appoint a commissioner of the canal fund; and the same was reported back with one amendment.

The amendment proposed to fill the blank in the first section of the bill with the name of Joseph S Lake, and upon agreeing to the same the yeas and nays were called, and were—yeas 21, nays 8—as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Rodgers, Stokely, Shannon, Spangler, Shideler, Tod, Utter, Vanmetre, Walton, White and Speaker—21.

Nays—Messrs. Birch, Cox, Fuller, Green, Morris, Oliver, Thomas, and Wade—8.

So the amendment was agreed to.

The bill was then ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

On motion of Mr. Tod,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*



SATURDAY, *January 12, 1839.*

The Senate met pursuant to adjournment.

Mr. McLaughlin presented remonstrances from citizens of Richland county, against the erection of the proposed new county of Kendall; which were referred to the standing committee on new counties.

Mr. McLaughlin presented a petition from Alexander McBride, of the county of Richland, praying an amendment of the law regulating the elections of justices of the peace; which was referred to the standing committee on the judiciary.

Mr. McLaughlin presented a petition from citizens of Knox county, praying the erection of a new county, to be called Kendall; which was referred to the standing committee on new counties.

Mr. Ihrig presented a petition from citizens of Wayne county, praying the repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. Ihrig presented a petition from citizens of Wayne county, praying the construction of a canal from the vicinity of Wooster to intersect the Ohio canal at or near Clinton; which was referred to the standing committee on canals.

Mr. Matthews presented a petition from citizens of Coshocton county, praying the repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. Matthews presented a remonstrance from citizens of Coshocton county, against attaching any part of said county to the county of Holmes; which was laid upon the table.

Mr. Utter presented a petition from citizens of Clermont county, praying the passage of a law authorizing the commissioners of said county to build a bridge across the East Fork of the Little Miami river at Williamsburg; which was referred to Mr. Utter.

The Speaker presented a petition from citizens of Morgan county, praying the repeal of the laws regulating the sale of ardent spirits; which was laid upon the table.

The speaker presented remonstrances from citizens of the counties of Washington and Athens, against the erection of the proposed new county of Chester; which were referred to the standing committee on new counties.

Mr. Stokely presented a petition from citizens of Jefferson county, praying legislative encouragement to the culture of silk; which was referred to the standing committee on agriculture, commerce and manufactures.

Mr. Green presented a petition from citizens of Circleville, Pickaway county, for the passage of a law authorizing the court of common pleas of said county, on application of the owners of lots, to vacate alleys in said town adjoining said lots; which was referred to a select committee of one—Mr. Green.

Mr. Cox, from the standing committee on enrollment, reported that said committee had deposited in the office of the Secretary of State,

and had taken his receipt for the following enrolled acts and resolutions, to wit:

An act to incorporate the particular baptist church of Granville, in the county of Licking;

An act to incorporate the Rockport lyceum, in the county of Cuyahoga;

An act to attach a part of the county of Jackson to the county of Ross;

An act to incorporate the first congregational and presbyterian church and society in the township of Bristol, in the county of Trumbull;

An act to amend the act entitled, an act to incorporate the German reformed synod of Ohio;

An act to authorize the county commissioners of Crawford county to borrow money;

An act to amend an act entitled, an act to incorporate the Marietta and Newport turnpike road and bridge company;

An act to incorporate the presbyterian church of Zanesville;

An act to lay out and establish a state road in the counties of Wood, Henry, Putnam, Hancock, Allen and Hardin;

An act for the relief of W. H. Starrett;

An act to incorporate the Johnstown lyceum, in the county of Licking;

An act to incorporate the New Lexington branch of the Zanesville and Maysville turnpike road company;

An act further to amend the act entitled, an act to incorporate the Zanesville and Maysville turnpike road company, passed March 7, 1836;

Resolution authorizing the canal commissioners to have surveyed a route for a certain canal therein named.

Resolution authorizing the auditor and treasurer of state to receive taxes on certain lands and town lots.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 68.) A bill to incorporate the evangelical protestant congregation of Munroe county;

(H. No. 75.) An act prohibiting the sale of section 16 in Hanover township in the county of Columbiana;

(H. No. 77.) An act to authorize the county commissioners of Portage county to increase the tax in said county, for county purposes.

(H. No. 78. ) An act to vacate certain alleys in the town of New Haven in the county of Huron.

The following bill was read the second time; and

On motion of Mr. Tod,

Recommitted to the standing committee on claims, to wit:

(H. No. 80.) An act for the relief of Abner Enoch.

The following bill was read the second time; and

On motion of Mr. Walton,

Recommitted to the standing committee on canals, to wit:

(H. No. 96.) An act to extend the provisions of an act entitled, an act to provide for the internal improvement of the State of Ohio by navigable canals.

The following bill of the Senate was read the third time; and

On motion of Mr. White,

Recommitted to the select committee that reported it, to wit:

An act to authorize the county commissioners of Scioto county to make additional compensation to the contractor who built the courthouse, in said county, and for other purposes.

The following act of the Senate was read the third time, to wit:

An act to appoint a commissioner of the canal fund.

Mr. Thomas moved to lay the bill upon the table, upon which question the yeas and nays were called, and were, yeas 11, nays 19; as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Fuller, Green, Holmes, Morris, Rodgers, Thomas, Utter, and Wade—11.

Nays—Messrs. Bates, Brady, Craghill, Hostetter, Ihrig, James, Matthews, McLaughlin, Oliver, Stokely, Shannon, Spangler, Shideler, Stadden, Tod, Vanmeter, Walton, White, and Speaker—19.

So the question was lost.

Mr. Stokely then moved to recommit the bill to the standing committee on finance, with instructions to strike out the name of Joseph S. Lake, where it occurs in the bill, and insert in lieu thereof the name of William Rayen, upon which question Mr. Spangler called for the yeas and nays, which were ordered, and were, yeas 6, nays 24; as follows, to wit:

Yeas—Messrs. Cox, Fuller, Morris, Stokely, Vanmeter, and Wade—6.

Nays—Messrs. Allen, Bates, Birch, Brady, Craighill, Green, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Oliver, Rodgers, Shannon, Spangler, Shideler, Stadden, Tod, Thomas, Utter, Walton, White, and Speaker—24.

So the question was lost.

The question then recurred upon the passage of the bill, upon which question the yeas and nays were called, and were, yeas 21, nays 9; as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Rodgers, Stokely, Shannon, Spangler, Shideler, Stadden, Tod, Utter, Walton, White, and Speaker—21.

Nays—Messrs. Birch, Cox, Fuller, Green, Morris, Oliver, Thomas, Vanmeter, and Wade—9.

So the question was carried.

Ordered that the title be as aforesaid, and that the concurrence of the House be requested.



The following bill of the Senate was read the third time, and passed, to wit:

An act to incorporate the first universalist society of Akron in the county of Portage.

Ordered that the title be as aforesaid, and that the concurrence of the House be requested.

The following bill of the House was read the third time and passed, to wit:

An act to incorporate the town of Greenville.

Ordered that the title be as aforesaid, and that the House be informed thereof.

The following bill of the House was read the third time, to wit:

An act to divorce Harriet Houck from her husband Jonathan T. Houck.

The question being,

Shall the bill pass?

The yeas and nays were called, and were, yeas 19, nays 11; as follows, to wit:

Yeas—Messrs. Allen, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Rodgers, Shannon, Shideler, Stadden, Tod, Utter, Wade, Walton, White, and Speaker—19.

Nays—Messrs. Birch, Cox, Fuller, Green, James, Morris, Oliver, Stokely, Spangler, Thomas and Vanmeter—11.

So the question was carried.

Ordered that the title be as aforesaid, and that the House be informed thereof.

The following bill of the House was read the third time, to wit:

An act to incorporate the grand lodge of the independent order of odd fellows of the State of Ohio.

The question being,

Shall the bill pass?

Mr. Fuller called for the yeas and nays; which were ordered, and were, yeas 17, nays 13; as follows, to wit:

Yeas—Messrs. Allen, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, Oliver, Rodgers, Stokely, Shannon, Stadden, Tod, Utter, Walton, White, and Speaker—17.

Nays—Messrs. Bates, Birch, Cox, Fuller, Green, James, McLaughlin, Morris, Spangler, Shideler, Thomas, Vanmeter and Wade—13.

So the question was carried.

Ordered that the title be as aforesaid, and that the House be informed thereof.

The following bill of the House was read the third time, to wit:

An act to incorporate the Martinsburg academy of Knox county.

And the question being,

Shall the bill pass?

It was taken and lost.

Ordered that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill to which the concurrence of the senate is requested, to wit:

A bill to amend the act entitled, an act defining the mode of laying out and establishing township roads, passed March 11, 1831, and the act entitled, an act prescribing the duties of supervisors and relating to roads and highways, passed March 20, 1837.

Attest,

W. H. BLODGET, *Clerk.*

The bill from the House was read the first time.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to amend the act to regulate common schools;

A bill to encourage the culture of silk;

A bill to divorce James B. Johnson from his wife, Martha A. Johnson;

A bill to amend the act entitled, an act to incorporate the town of Sydney;

A bill to amend an act entitled, an act to organize and discipline the militia, passed March 4, 1837; and the act to provide for drawing from the United States the public arms appropriated to the militia of this state, passed March 29, 1837;

A bill to vacate a part of a certain street in the town of Putnam, in Muskingum county.

The House has passed a resolution providing for furnishing certain copies of the revised statutes to the clerks of the counties of Hocking and Jackson, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. McLaughlin,

The resolution from the House was recommitted to the standing committee on the judiciary.

On motion of Mr. James,

The Senate reconsidered the vote on the bill to incorporate the Martinsburg academy of Knox county.

Mr. Matthews moved to amend the bill by way of rider, by inserting in line 6. sec. 1. after the word "succession," these words, "for thirty years;" which was agreed to; and the amendment was ordered to be engrossed at the clerk's desk.

The bill as amended was then passed.

Ordered, that the title be as aforesaid, and that the House be informed thereof.

The Speaker presented a communication from the Governor, in relation to the resignation of certain officers; which was ordered to lie upon the table.

(See vol. Pub. Doc. No. 46.)

The Speaker presented the annual report of the trustees of the Ohio asylum for the deaf and dumb, and accompanying papers; which were ordered to lie upon the table.

(See vol. Pub. Doc. No. 35.)

On motion of Mr. Craighill,

The committee of the whole were discharged from the further consideration of the bill (S. No. 33) to authorize the commissioners of Sandusky county to borrow money; and the same was taken up and ordered to be engrossed for its third reading, in order to its final passage on Monday next.

On motion of Mr. Holmes,

The committee of the whole were discharged from the further consideration of the bill (S. No. 32) to change the name of John A. Seaman to John A. Harrison; and the same was taken up and ordered to be engrossed for its third reading, in order to its final passage on Monday next.

On motion of Mr. Holmes,

The Senate resolved itself into a committee of the whole, Mr. Holmes in the chair, on the bill (S. No. 49) to authorize the acts of a general nature to be distributed by mail; and the same was reported back without amendment, and

On motion of Mr. Spangler,

Recommitted to the standing committee on the judiciary.

On motion of Mr. Matthews,

The resolution in relation to an amendment of the constitution of this state, was taken up and referred to a select committee of three.

Whereupon the Speaker announced Messrs. Matthews, Green and Tod said select committee.

Mr. Stokely gave notice that he would on Monday, or some subsequent day of the present session, ask leave to introduce a bill to incorporate the free church of Warrenton, in the county of Jefferson.

On motion of Mr. Morris,

The Senate resolved itself into a committee of the whole, Mr. Morris in the chair, on the bill (S. No. 34) to amend an act entitled, an act to incorporate the emigrants' friend society of Cincinnati, passed March 7, 1838; and the same was reported back with one amendment.

On motion of Mr. Holmes,

The bill with the pending amendment was laid upon the table.

On motion of Mr. Spangler,

The Senate again resolved itself into a committee of the whole, Mr. Stadden in the chair, on the bill (S. No. 36) for the relief of Norman C. Baldwin; and after some time spent therein, the committee rose, reported progress, and asked leave to sit again, which was granted.

On motion of Mr. Rodgers,

The committee of the whole were discharged from the further consideration of the bill (H. No. 60) to incorporate the first united brethren



church of Harrison township, in Gallia county; and the same was taken up and ordered to a third reading, in order to its final passage on Monday next.

On motion of Mr. Green,

The Senate resolved itself into a committee of the whole, Mr. Green in the chair, on the bill (S. No. 37) to erect the county of Benten; and the same was reported back with one amendment, which was agreed to.

Mr. Allen then moved to lay the bill upon the table, and pending the consideration of that question,

On motion of Mr. Ihrig,

The Senate adjourned until Monday morning 10 o'clock.

Attest,

C. J. McNULTY, *Clerk*.

MONDAY, *January 14, 1839.*

The Senate met pursuant to adjournment.

Mr. Bates presented a petition from citizens of Williams county, praying the removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Allen presented a petition from citizens of Delaware county, praying the election of Ahab Jinks to the office of associate judge for said county.

Mr. Allen moved to refer the petition to a select committee of one.

Mr. Thomas moved to refer it to the standing committee on privileges and elections; which was agreed to.

Mr. Bates presented a remonstrance from citizens of Henry county against any division of the territory of said county; which was referred to the same committee of the whole Senate to which had heretofore been committed the bill to erect the county of Beaver.

Mr. Bates presented petitions from citizens of Vanwert and Lucas counties, praying the aid of the State in locating and bridging the State road leading from Fort Wayne to Bucyrus; which were referred to the standing committee on roads and highways.

Mr. Fuller presented petitions from citizens within that territory, praying the erection of a new school district in the corner of Wood, Hancock, and Lucas counties; which were laid upon the table.

Mr. Craighill presented a petition from citizens of the town of Low-or Sandusky, praying an amendment of the act incorporating said town; which was referred to Mr. Craighill.

Mr. Thomas presented a petition from citizens of Miami county, praying the Legislature to abolish the office of fence viewer; which was referred to the standing committee on the judiciary.

Mr. Stadden presented a petition from John Evans, and other citizens of Licking county, praying that the name of said Jahn Evans may be changed to John Lewis Evans; which was referred to Mr. Stadden.

The Speaker presented a petition from F. A. Kemper, of the county of Hamilton, in relation to a donation of land to the Lane seminary; which was referred to the standing committee on finance.

Mr. Bates presented sundry documents in relation to the establishment of the seat of justice of Williams county; which were referred to the standing committee on new counties.

Mr. Birch presented petitions from ladies of Lorain county, praying the Legislature to pass a law more effectually to punish or prohibit the crimes of seduction and adultery; which were referred to the standing committee on the judiciary.

Mr. Ihrig presented petitions from citizens of Wayne county, praying an amendment of the laws regulating labor in the Ohio penitentiary; which were referred to the standing committee on the penitentiary.

Mr. Tod, from the standing committee on the judiciary, to which was referred the petition of Ezekiel L. Goodrich, praying to be divorced from his wife Hannah Goodrich, made the following report:

That from the petition and accompanying depositions, they are led to believe that the parties were joined in marriage in January, 1824, in the county of Lorain, where they have since resided; that from the year 1831 to the year 1836, the wife of the petitioner, regardless of her duty to herself, her husband, and her God, did, at sundry times, commit the foul crime of adultery with one Charles Smith; that the guilt of Mrs. Goodrich was not known to the petitioner until in July, 1836, when it was made known to him by her confession made to the church of which she was, during all of said period, a member; that after making said confession, the petitioner was prevailed upon and did receive his wife again into his bed, and cohabited with her for a few days only, when he found that she had not made a full confession of her guilt; that he then abandoned her, and has not since lived with her.

This state of facts, in the opinion of your committee, entitle the petitioner to the relief prayed for; and they therefore report by bill.

The bill to divorce Ezekiel L. Goodrich from his wife Hannah Goodrich was read the first time.

Mr. Green, from the select committee to which petitions on that subject had been referred, reported a bill to amend the act entitled An act to authorize the corporations therein named to grant licenses, &c., passed February 18, 1830; which was read the first time.

The following bill was read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(H. No. 82.) A bill to amend the act entitled An act defining the mode of laying out and establishing township roads, passed March 11, 1831, and the act entitled An act prescribing the duties of supervisors, and relating to roads and highways, passed March 20, 1837.

The following bills of the Senate were read the third time and passed, to wit:

An act to change the name of John A. Seaman to John A. Harrison;  
 An act to authorize the commissioners of Sandusky county to borrow money.

Ordered that the titles be as aforesaid, and that the concurrence of the House be requested.

The following bill of the House was read the third time and passed, to wit:

An act to incorporate the first united brethren church in Christ of Harrison township, in Gallia county.

Ordered that the title be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the resolution of the Senate in relation to the distribution of the report of the superintendent of common schools, &c.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Holmes in the chair, on the bill (S. No. 39) to incorporate the Ashland academy, in the county of Richland; and the same was reported back with one amendment, which was agreed to.

On motion of Mr. Tod,

The bill was then recommitted to the standing committee on colleges and universities.

On motion of Mr. Fuller,

The Senate again resolved itself into a committee of the whole, Mr. Thomas in the chair, on the bill, (H. No. 67,) to incorporate the Geauga silk company, and the same was reported back with one amendment; which was agreed to.

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on agriculture, commerce and manufactures.

On motion of Mr. Morris,

The committee of the whole Senate were discharged from the further consideration of the bill, (S. No. 60,) to authorize the fund commissioners of Clinton county to loan money to the town council of the town of Wilmington, and the same was taken up, and ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

Mr. Rodgers gave notice that he would on to-morrow or some subsequent day of the present session, ask leave to introduce a bill to appoint measurers and inspectors of cord wood, in the counties of Scott, Jackson and Lawrence.

On motion of Mr. Morris,

The Senate resolved itself into a committee of the whole, Mr. Harlan in the chair, on the bill, S. No. 25,) to provide for the extension of the Walhonding canal up the Kilbuck creek to Millersburg in the county



of Holmes, and the same was reported back with sundry amendments; which were agreed to; and

On motion of Mr. Tod,

The bill was laid upon the table.

On motion of Mr. Spangler,

The Senate again resolved itself into a committee of the whole, Mr. Birch in the chair, on the bill, (S. No. 41,) to incorporate the Norwalk silk manufacturing company, and the same was reported back without amendment; and

On motion of Mr. Spangler,

Recommitted to the standing committee on agriculture, commerce and manufactures.

Message from the House of Representatives.

Mr. Speaker:

The following bill has been reported to the House and read the first time, to wit:

A bill to incorporate the Bank of Ohio.

The House has agreed to the amendments of the Senate to the following bills of the House, to wit:

A bill to incorporate the the Martinsburg academy in the county of Knox;

A bill to incorporate the grand lodge of the independent order of odd fellows of the State of Ohio.

The House has passed the following bill of the Senate, viz:

A bill to incorporate the Clarkville, Cuba, Snowhill, New Lexington and Leesburg turnpike company.

Attest,

W. H. BLEDGET, *Clerk.*

On motion of Mr. Fuller,

The Senate again resolved itself into a committee of the whole, Mr. Stadden in the chair, on the bill, (S. No. 36,) for the relief of Norman C. Baldwin, and the same was reported back without amendment; and

On motion of Mr. Fuller,

Recommitted to the standing committee on public lands.

On motion of Mr. Walton,

The Senate again resolved itself into a committee of the whole, Mr. Ihrig in the chair, on the bill, (S. No. 43,) to incorporate the Hancock county hydraulic company, and the same was reported back with sundry amendments.

On motion of Mr. James,

The bill with the pending amendments was laid upon the table.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill providing for the appointment of a board of bank commissioners, and for the regulation of banks within this State;

A bill to amend the act for the appointment of guardians;

A bill for the relief of owners of land within the Mercer county reservoir;

A bill to incorporate the methodist episcopal church of Medina;

A bill to repeal the act entitled, "an act to authorize a loan of credit by the State of Ohio to railroad companies, and to authorize subscriptions by the State to the capital stock of turnpike, canal, and slack-water navigation companies, passed March 24, 1837;

A bill authorizing the auditor of Meigs county to receive the surrender or certain leases of school lands therein named, and to give certificates of purchase therefor.

The House has passed a resolution providing for the printing of five thousand copies of the report of the majority of the standing committee on banks and the currency; to which the concurrence of the Senate is requested.

Attest,

W. H. BLOGET, *Clerk.*

On motion of Mr. Green,  
The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

---

TUESDAY, January 15, 1839.

The Senate met pursuant to adjournment.

Mr. Ihrig presented a petition from citizens of Wayne county, praying the construction of a canal from the vicinity of Wooster, to intersect the Ohio canal at Clinton; which was referred to the standing committee on canals.

Mr. Spangler presented a petition from citizens of Fairfield county, praying an amendment of the school law; which was referred to the standing committee on schools and school lands,

Mr. Bates presented petitions from citizens of Lucas county, praying the removal of the seat of justice of said county; which were referred to the standing committee on new counties.

Mr. Bates presented a remonstrance from citizens of Henry county, against the erection of the county of Beaver; which was referred to the same committee of the whole Senate to which had heretofore been committed the bill to erect the said county.

Mr. Stokely presented a remonstrance from citizens of Columbiana county, against the extension of the corporate limits of the town of Salem in said county; which was laid upon the table.

Mr. Birch presented petitions from ladies of Lorain county, in relation to the subject of slavery and the slave trade; which were referred to the standing committee on the judiciary.

The Speaker presented a remonstrance from citizens of Washington

county, against the erection of the proposed new county of Chester; which was referred to the standing committee on new counties.

Mr. Tod presented the second annual report of the Pennsylvania and Ohio canal company; which was laid upon the table.

Mr. Birch presented a petition from residents of Lorain county, in relation to the subject of slavery and the slave trade, and praying the legislature to make towns and cities liable for property destroyed by mobs within their limits, and for other purposes.

On motion of Mr. Birch,

So much of the said petition as relates to the destruction of property by mobs, was referred to the select committee on that subject, and the remaining parts thereof were referred to the standing committee on the judiciary.

Mr. Ihrig, from the standing committee on roads and highways, to which petitions on that subject had been referred, reported a bill to amend the act defining the duties of supervisors of roads and highways, passed March 7, 1831; which was read the first time.

Mr. Spangler, from the standing committee on finance, to which the memorial of the President of the city council of Cincinnati was referred, made the following report; which was ordered to lie upon the table, to wit:

(See Appendix, E, p. 9.)

Mr. Walton, from the standing committee on the judiciary, to which petitions on that subject had been referred, reported a bill to incorporate the Marietta and Harmar bridge company; which was read the first time.

Mr. Cox, from the joint committee on enrollment, reported, that said committee had examined and found duly enrolled, the following bill and resolutions, to wit:

An act to amend the act entitled, "an act allowing and regulating writs of attachment before justices of the peace," passed January 7, 1824.

Resolution, directing the distribution of certain copies of the second report of the superintendent of common schools;

Resolution, for the appointment of a joint committee to visit and examine the Farmers' Bank of Canton.

Mr. Stadden, from the select committee to which the petitions on that subject had been referred, reported a bill to change the name of John Evans to John Lewis Evans; which was read the first time.

Mr. Craighill, from the select committee, to which petitions on that subject had been referred, reported a bill to incorporate the town of Lower Sandusky, which was read the first time.

The following bills were then severally read the second time, committed to a committee of the whole Senate and made the order of the day for this day, to wit:

(S. No. 69.) A bill to divorce Ezekel L. Goodrich from his wife Hannah Goodrich;

(S. No. 70.) A bill to amend an act entitled an act to author-



ize the corporations therein named to grant licenses, &c. passed Feb. 18, 1830.

The following bill of the Senate was read the third time, to wit:

An act to authorize the fund commissioners of Clinton county to loan money to the town council of the town of Wilmington.

Mr. Green moved to amend the bill, by way of ryder, by inserting at the end of the 30th section thereof the following, which was agreed to, to wit:

*Provided*, That nothing in this act contained shall be construed to release the said county of Clinton from liability for the amount of money so loaned, according to the provisions of the act entitled, "an act providing for the distribution and investment of this State's proportion of the surplus revenue," passed March 27, 1838.

The amendment was ordered to be engrossed at the clerk's desk.

The bill as amended was then passed.

Ordered that the title be as aforesaid, and that the concurrence of the House be requested.

On motion of Mr. Tod,

The resolution of the House, providing for printing the report of the majority of the House committee on banks and the currency, was taken up.

Mr. Thomas moved to amend the resolution by striking out the word "five" where it occurs, and insert in lieu thereof, the word "three."

Mr. Craighill called for a division of the question, and the question then turned upon striking out the word "five;" upon which question the yeas and nays were called, and were, yeas 26, nays 5; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Cox, Fuller, Green, Harlan, Holmes, Hostetter, James, Matthews, Morris, Oliver, Rodgers, Stokely, Shannon, Spangler, Shideler, Tod, Thomas, Utter, Vanmeter, Wade, Walton, and White—26.

Nays—Messrs. Craighill, Ihrig, McLaughlin, Stadden, and Speaker—5.

So the question was carried.

The question then turned upon filling the blank with "three," upon which question the yeas and nays were called, and were, yeas 29, nays 2; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Cox, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Morris, Rodgers, Stokely, Shannon, Spangler, Shideler, Stadden, Tod, Thomas, Utter, Vanmeter, Wade, Walton, White, and Speaker—29.

Nays—Messrs. Harlan and Oliver.

So the question was carried.

The question then recurred upon the adoption of the resolution as amended, upon which question the yeas and nays were called, and were, yeas 27, nays 4; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Cox, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Morris, Rodgers, Stokely, Shannon, Spangler, Shideler, Stadden, Tod, Thomas, Utter, Walton, White, and Speaker—27.

Nays—Messrs. Harlan, Oliver, Vanmeter, and Wade—4.

So the question was carried, and the resolution was agreed to.

Ordered that the House be informed thereof.

Mr. Harlan gave notice that he would, on to-morrow or some subsequent day of the present session, ask leave to introduce a bill to incorporate the Alexandersville and Bellbrook turnpike company.

On motion of Mr. Ihrig,

The Senate resolved itself into a committee of the whole, Mr. Shannon in the chair, on the bill (S. No. 4) to amend an act entitled An act to incorporate the Mansfield and New Haven railroad company; and the same was reported back without amendment, and

On motion of Mr. Utter,

Recommitted to the standing committee on railroads and turnpikes.

On motion of Mr. Allen,

The Senate again resolved itself into a committee of the whole, Mr. Bates in the chair, on the bill to incorporate the Roscoe iron company, in the county of Coshocton; and the same was reported back with sundry amendments, which were agreed to, and the bill was further amended, and ordered to be engrossed for its third reading in order to its final passage on to-morrow.

Mr. Stokely, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the free church of Warrenton, in the county of Jefferson; which was read the first time.

Mr. Stokely gave notice, that on to-morrow or some subsequent day, he would ask leave to introduce a bill to incorporate the second presbyterian church of Steubenville, in Jefferson county.

On motion of Mr. Allen,

The bill (S. No. 37) to erect the county of Benton was taken up.

Mr. McLaughlin moved to amend the bill by striking out so much thereof as includes any part of the townships of Sandusky or Jefferson, in the county of Richland; which was agreed to.

Mr. Matthews moved to postpone the further consideration of the bill until the first Monday of December next; upon which question the yeas and nays were called, and were, yeas 20, nays 10—as follows, to wit:

Yeas—Messrs. Birch, Brady, Cox, Craighill, Fuller, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, Morris, Rodgers, Spangler, Stadden, Tod, Utter, Vanmeter, Wade, and White—20.

Nays—Messrs. Allen, Bates, McLaughlin, Oliver, Stokely, Shannon, Shideler, Thomas, Walton, and Speaker—10.

So the question was carried, and the bill was accordingly postponed.

Mr. Thomas, pursuant to previous notice, asked and obtained leave, and introduced a bill to authorize the school district composed of the

town of Troy, in the county of Miami, to borrow money; which was read the first time.

A message from the House of Representatives.

Mr. Speaker:

The House has passed a resolution calling upon the board of canal commissioners for certain information relative to the field notes of section thirty-five of the Miami canal north of Dayton, to which the concurrence of the Senate is requested.

The House has passed the following bill of the Senate, to wit:

A bill to appoint a commissioner of the canal fund.

Attest,

W. H. BLODGET, *Clerk.*

The resolution from the House was agreed to.

Ordered that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read the first time to wit:

A bill to incorporate the Asbury seminary at Chagrin falls;

A bill to incorporate the first church of disciples in Bedford, Cuyahoga county;

A bill for the relief of Gideon M. Ayres;

A bill to incorporate the St. Mary's library association, in the county of Mercer.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Holmes,

The Senate again resolved itself into a committee of the whole, Mr. Fuller in the chair, on the bill (S. No. 55) to amend the act entitled An act to incorporate the town of Portsmouth, in the county of Scioto; and the same was reported back without amendment, and ordered to be engrossed for its third reading in order to its final passage on to-morrow.

Mr. Wade offered the following resolution, which was agreed to, as follows, to wit:

*Resolved*, That the standing committee on finance be instructed to inquire into the expediency of so increasing the tolls on the Ohio and Miami canals that the same shall pay the interest on the cost of their construction respectively, or whether any and what alteration should be made in the rate of tolls on said canals.

On motion of Mr. Harlan,

The Senate again resolved itself into a committee of the whole, Mr. Shideler in the chair, on the bill (S. No. 58) to authorize the commissioners of Champaign county to borrow money; and the same was reported back with one amendment, which was agreed to, and the bill was ordered to be engrossed for its third reading in order to its final passage on to-morrow.

On motion of Mr. Spangler,

The Senate again resolved itself into a committee of the whole, Mr.



McLaughlin in the chair, on the bill (H. No. 72) to reduce the corporate limits of the town of Centreville, in the county of Montgomery; and the same was reported back without amendment, and ordered to a third reading in order to its final passage on to-morrow.

On motion of Mr. Morris,

The Senate again resolved itself into a committee of the whole, Mr. Tod in the chair, on the bill (S. No. 63) to incorporate the Lower Sandusky hydraulic association; which was reported back without amendment, amended and recommitted to the committee that reported it.

On motion of Mr. Tod,

The Senate again resolved itself into a committee of the whole, Mr. James in the chair, on the bill (S. No. 35) for the appointment of wreck-masters, and defining their duties; and the same was reported back with sundry amendments, which were agreed to, and the bill was further amended, and ordered to be engrossed for its third reading in order to its final passage on to-morrow.

On motion of Mr. Wade,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

WEDNESDAY, *January 16, 1839.*

The Senate met pursuant to adjournment.

Mr. Bates presented petitions from citizens of Hardin county, praying the passage of an act to authorize the commissioners of said county, in their official capacity to subscribe stock to the Mad river and Lake Erie railroad; which was referred to a select committee of two; whereupon the Speaker announced Messrs. Bates and James said committee.

Mr. Bates presented a petition from citizens of Hardin county, praying the legislature to grant certain relief to John Reed of said county; which was referred to the standing committee on medical colleges and societies.

Mr. Birch presented a petition from citizens of Lorain county, praying the legislature to prohibit the retailing of ardent spirits; which was referred to the standing committee on the judiciary.

Mr. Allen presented a petition from citizens of Delaware county, praying the legislature to prohibit the sale of ardent spirits within three miles of places appointed for public worship, in certain cases; which was referred Mr. Allen.

Mr. Hostetter presented a petition from Andrew Meyer of Stark county, praying for certain relief; which was referred to the standing committee on the judiciary.

Mr. Stadden presented a petition from members of the methodist episcopal church of Newark, praying the passage of a law authoriz-

ing them to convey certain real estate; which was referred to Mr. Stadden.

Mr. Holmes presented a petition from citizens of of Hamilton county, praying an amendment of the laws regulating labor in the Ohio penitentiary; which was referred to the standing committee on the penitentiary.

Mr. Holmes presented a petition from Luke Kendall of the city of Cincinnati, praying a change in the mode of labor in the Ohio penitentiary; which was laid upon the table.

Mr. Fuller presented a petition from citizens of Cleveland, praying the establishment of a superior court in said city; which was referred to the standing committee on the judiciary.

Mr. Matthews presented petitions from citizens of Holmes county, praying the extension of the Walhonding canal up the Kilbuck creek to Millersburg in said county; which were laid upon the table.

Mr. Craighill presented a petition from citizens of Sandusky county, for the incorporation of a bank at Lower Sandusky; which was referred to the standing committee on the currency.

Mr. Cox presented the petition of trustees of the Salem township baptist church in the county of Muskingum, praying for an act of incorporation; which was referred to Mr. Cox.

Mr. Matthews, from the standing committee on canals, to which had been committed the bill, (H. No. 96,) to extend the provisions of an act of entitled, an act to provide for the internal improvement of the State of Ohio by navigable canals, reported the same back without amendment and recommended the passage thereof.

The question being on ordering the bill to a third reading in order to its final passage, it was taken and carried, and the bill was ordered to be read a third time on to-morrow.

Mr. Matthews, from the standing committee on canals, to which had been recommitted the bill for the relief of Ethan Stone, reported the same back without amendment and recommended the passage thereof.

On motion of Mr. Green,

The bill was again recommitted to the standing committee on canals, with instructions to make a written report embracing all the facts in their possession, touching the subject matter.

Mr. Stokely, from the standing committee on colleges and universities, to which had been recommitted the bill to incorporate the Ashland academy in the county of Richland, reported the same back with one amendment; which was agreed to, and the bill as amended, was ordered to be engrossed for its third reading in order to its final passage on to-morrow.

Mr. Craighill, from the select committee to which had been recommitted the bill to incorporate the Lower Sandusky hydraulic association, reported the same back with sundry amendments; which were agreed to, and the bill was further amended and ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

Mr. Holmes, from the select committee to which petitions on that subject had been referred, reported a bill for the relief of certain lessees on section 16, in Columbia township, Hamilton county; which was read the first time.

The following bills were severally read the second time, committed to a committee of whole Senate, and made the order of the day for this day, to wit:

(S. No. 72.) A bill to incorporate the Marietta and Harmar bridge company;

(S. No. 73.) A bill to change the name of John Evans to John Lewis Evans;

(S. No. 74.) A bill to incorporate the town of Lower Sandusky;

(S. No. 75.) A bill to incorporate the free church of Warrentown in the county of Jefferson;

(S. No. 76.) A bill to authorize the school district composed of the town of Troy in the county of Miami to borrow money.

The following bill was read the second time; and

On motion of Mr. Harlan,

Recommitted to the standing committee on roads and highways, to wit:

(S. No. 71.) A bill to amend the act defining the duties of supervisors of roads and highways, passed March 7, 1831.

The following act of the House was read the third time and passed, to wit:

An act to reduce the corporate limits of the town of Centreville in Montgomery county.

Ordered that the title be as aforesaid, and that the House be informed thereof.

The following bills of the Senate were read the third time and passed, to wit:

An act to provide for the appointment of wreck masters and defining their duties;

An act to incorporate the Roscoe Iron Company, in the county of Coshocton;

An act to amend the act entitled "An act to incorporate the town of Portsmouth, in the county of Scioto;"

An act to authorize the commissioners of Champaign county to borrow money.

Ordered, that the titles be as aforesaid, and that the concurrence of the House be requested.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of Senate is requested, to wit:

A bill to incorporate the First Regular Baptist Church of Dayton;

A bill to amend the act making provision for carrying into effect the acts for the punishment of crimes, passed February 26th, 1835;

A bill to incorporate the First Presbyterian Church of St. Mary's, in the county of Mercer;



A bill to incorporate the Liverpool and Massillon McAdamized Road Company;

A bill to provide for the more effectual punishment of certain offences, in the county of Cuyahoga;

A bill to extend the time of making payment by the purchasers of the lands of the Salt reservation, in the county of Jackson;

A bill to provide for the regulation of incorporated towns.

The House has passed a series of resolutions in relation to domestic slavery, to which the concurrence of the Senate is requested.

The House has passed a resolution providing for printing a number of copies of the report of the standing committee on schools, to which the concurrence of the Senate is requested.

The following bill has been reported to the House and read the first time, to wit:

A bill to incorporate the Portsmouth Dry Dock and Steamboat Basin company.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Harlan,

The resolution of the House in relation to the printing of the report of the standing committee on common schools was laid upon the table.

On motion of Mr. Green,

The resolutions from the House in relation to domestic slavery were laid upon the table, and ordered to be printed.

Mr. Tod offered the following resolution, to wit:

*Resolved by the Senate and House of Representatives,* That five hundred copies of the second annual report of the Pennsylvania and Ohio Canal company, be printed for the use of the members of this General Assembly.

The question being on the adoption of the resolution, Mr. Thomas called for the yeas and nays, which were ordered, and were, yeas 22, nays 7, as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, James, Matthews, Rodgers, Shannon, Spangler, Shiedler, Stadden, Tod, Utter, Vanmeter, Walton and Speaker—22.

Nays—Messrs. Cox, Harlan, McLaughlin, Morris, Thomas, Wade and White—7.

So the question was carried, and the resolution was agreed to.

Ordered to the House for concurrence.

Mr. Rodgers, pursuant to previous notice, asked and obtained leave and introduced a bill to provide for the appointment of measurers and inspectors of cord wood, in the counties of Scioto, Jackson and Lawrence, and defining their duties, which was read the first time.

Mr. Tod, on leave, from the standing committee on the judiciary, to which had been recommitted the bill dividing the State of Ohio into judicial circuits, reported the same back without amendment. The question was on ordering the bill to be engrossed for a third reading, in

order to its final passage, on which question the yeas and nays were called, and were, yeas 17, nays 14, as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, Stokely, Shannon, Spangler, Shideler, Stadden, Tod, Utter, Walton and Speaker—17.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, McLaughlin, Morris, Oliver, Rodgers, Thomas, Vanmetre, Wade and White—14.

So the question was carried, and the bill was ordered to be read a second time on to-morrow.

Mr. McLaughlin offered the following resolution; which was laid upon the table, to wit:

*Resolved*, That the select committee charged with inquiring what amendments are necessary to the act fixing the terms of judicial courts, be directed to report a bill without delay for that purpose.

Mr. Allen, from the select committee to which petitions on that subject had heretofore been referred, on leave, reported a bill to amend an act entitled, an act for the prevention of certain immoral practices, passed February 17, 1831; which was read the first time.

Mr. Walton moved that the Senate resolve itself into a committee of whole, on the bill (H. No. 45) to prohibit the issuing and circulation of small bills; upon which question, the yeas and nays were called, and were—yeas 17, nays 14—as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Shideler, Stadden, Tod, Utter, Walton and Speaker—17.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Rodgers, Stokely, Thomas, Vanmetre, Wade and White—14.

So the question was carried.

And the Senate resolved itself into a committee of the whole, Mr. Cox in the chair, on said bill; and after some time spent therein, the committee rose, reported progress, and asked leave to sit again, which was granted.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to incorporate the Ohio company;

A bill to amend the act entitled, an act to provide for the erection of a new penitentiary, and establishing and regulating prison discipline for the same;

A bill to regulate the fees of jurors;

A bill in relation to permanent leasehold estates;

A bill to incorporate the northern German Lutheran church of Cincinnati;

A bill to incorporate the town of Wooster, in the county of Mercer.

The House has passed a resolution for printing certain copies of the

special report of the auditor of state, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. James,

The resolution from the House was laid upon the table.

A message from the House of Representatives.

Mr. Speaker:

The House has agreed to the resolution of the Senate, in relation to the printing the second annual report of the Pennsylvania and Ohio canal company.

Attest,

W. H. BLODGET, *Clerk.*

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bill and resolutions, to which the signature of the Speaker of the Senate is also requested, to wit:

A bill to amend the act entitled, an act allowing and regulating writs of attachment before justices of the peace, passed January 7, 1824;

A resolution appointing a committee to investigate the concerns of the Farmers' Bank of Canton;

A resolution for printing the report of the superintendent of common schools.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon the Speaker of the Senate signed the enrolled bill and resolutions from the House.

On motion of Mr. Green,

The Senate then adjourned.

Attest:

C. J. McNULTY, *Clerk.*

---

THURSDAY, January 17, 1838.

The Senate met pursuant to adjournment.

Mr. Bates presented a petition from citizens of Lucas county, praying the removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Bates presented remonstrances from citizens of Lucas county, against the erection of the proposed new county of Beaver; which were referred to the standing committee on new counties.

Mr. Wade presented a petition from citizens of Ashtabula county, praying the repeal of all laws which make any distinction among the inhabitants of this State on account of color; which was referred to the standing committee on the judiciary.



Mr. Matthews presented a petition from citizens of Coshocton county, praying the repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. Matthews presented petitions from citizens of the county of Coshocton, remonstrating against any part of said county being attached to the county of Holmes; which was referred to the standing committee on new counties.

Mr. Shannon presented a petition from citizens of Belmont county, praying legislative encouragement to the culture of silk, which was referred to the standing committee on agriculture, commerce and manufactures.

Mr. Harlan presented petitions from citizens of the counties of Green and Montgomery, praying the repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. Tracy presented a petition from citizens of Huron county, praying the passage of a law to protect sheep from dogs; which was referred to the standing committee on agriculture, commerce and manufactures.

Mr. Walton presented the proceedings of a meeting of the members of the "Monroe Academical Association," praying an act of incorporation; which was referred to the standing committee on colleges and universities.

Mr. Walton presented the petition of David Starret, and other citizens of Monroe county, praying the passage of an act authorizing him to become the purchaser of a part of section 16, T. 4, R. 5, in said county; which was referred to the standing committee on schools and school lands.

Mr. Walton presented a petition from citizens of the State, remonstrating against the passage of any severe laws against the crimes of fornication and adultery; which was referred to the standing committee on the judiciary.

Mr. Harlan presented remonstrances from citizens of the State, against the construction of the Mad River feeder to the Miami canal; which were referred to the standing committee on canals.

Mr. Smith presented a petition from citizens of the State, praying the passage of an act for the more effectual protection of persons traveling on the public highways; which was referred to the standing committee on roads and highways.

Mr. Matthews, from the standing committee on canals, to which had been recommitted the bill for the relief of Ethan Stone, made the following report:

(See Appendix, F. p. 10.)

Which, together with the bill, was

On motion of Mr. Ibrig,

Laid on the table and the report ordered to be printed.

Mr. Morris, from the standing committee on Rail-roads and turn-pikes, to which had been recommitted the bill to amend the act entitled,

"An act to incorporate the Mansfield and New Haven rail-road company," reported the same back with sundry amendments, which were agreed to, and the bill was ordered to be engrossed for its third reading, in order to its final passage on tomorrow.

Mr. Cox, from the select committee to which the petition on that subject had been referred, reported a bill to incorporate the Salem township baptist church, in the county of Muskingum, which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole Senate and made the order of the day for this day, to wit:

(S. No. 77.) A bill for the relief of certain lessees of section 16, in Columbia township, Hamilton county;

(S. No. 78.) A bill to provide for the appointment of measurers and inspectors of cord wood, in the counties of Scioto, Jackson and Lawrence, and defining their duties;

(H. No. 73.) An act for the regulation of incorporated towns;

(H. No. 76.) An act to provide for the more effectual punishment of certain offences, in the county of Cuyahoga;

(H. No. 85.) An act to incorporate the Liverpool and Massillon McAdamized road company;

(H. No. 91.) An act to incorporate the first regular baptist church of Dayton;

(H. No. 95.) An act to incorporate the first presbyterian church of St. Marys, in the county of Mercer;

(S. No. 79.) A bill to amend an act entitled, an act for the prevention of certain immoral practices, passed February 17, 1831.

The following bill was read the second time, and

On motion of Mr. Wade,

Recommitted to the standing committee on the judiciary, to wit:

(H. No. 92.) An act to amend the act making provisions for carrying into effect the acts for the punishment of crimes, passed February 26th, 1835.

The following bill was read the second time, and

On motion of Mr. Vanmeter,

Recommitted to the standing committee on public lands, to wit:

(H. No. 99.) An act to extend the time of making payment by purchasers of lands of the Salt Reservation, in the county of Jackson.

The following act of the House was read the third time and passed, to wit:

An act to extend the provisions of an act entitled "An act to provide for the internal improvement of the State of Ohio by navigable Canals."

Ordered, that the title be as aforesaid, and the House be informed thereof.

The following bills of the Senate were read the third time and passed, to wit:

An act to incorporate the Ashland Academy, in the county of Richland;

An act to incorporate the Lower Sandusky Hydraulic Association.

Ordered, that the titles be as aforesaid, and that the concurrence of the House be requested.

The following bill of of the Senate was read the third time, to wit:

An act dividing the State of Ohio into judicial circuits.

Mr. McLaughlin moved to postpone the further consideration of the bill indefinitely, upon which question the yeas and nays were called, and were, yeas 17, nays 15, as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Fuller, Green, Harlan, James, McLaughlin, Morris, Oliver, Rodgers, Smith, Thomas, Tracy, Vanmeter, Wade, and White—17.

Nays—Messrs. Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Stokely, Shannon, Spangler, Shideler, Stadden, Tod, Utter, Walton and Speaker—15.

So the question was carried.

Mr. Wade offered the following resolution, which was agreed to, as follows, to wit:

*Resolved*, That the Auditor of State, at as early a day as practicable, report to the Senate what amount of money has been paid out of the Treasury, during the last three years, ending on the 1st. day of January A. D. 1839, on account of the militia system of this State, specifying particularly for what the same was paid.

Mr. Hostetter offered the following resolution, which was considered and agreed to, as follows, to wit:

*Resolved*, That the standing committee on the judiciary be instructed to inquire into the propriety and expediency of further amending the act entitled An act to incorporate the Sandy and Beaver canal company, and the acts amendatory thereto, so as that claimants for damages alleged to have been sustained in consequence of the location and construction of said canal, or works connected therewith, may, at their option, be permitted to have their claims adjudicated upon by the proper tribunals of the country, as in other cases of controversy between citizens, or proceed under the provisions pointed out by the act of incorporation alluded to.

Mr. Tod, from the standing committee on the judiciary, to which the petition on that subject had been referred, reported a bill to establish a superior court in the city of Cleveland; which was read the first time.

Mr. Morris offered the following resolution, to wit:

*Resolved*, That the Auditor of State be requested to communicate to the General Assembly a list, alphabetically arranged, of all the towns within the State of Ohio, with the date of their incorporation or recorded plat; also the names of all the townships, as returned to him by the several county auditors, alphabetically arranged, with the date of their several organizations, according to the requisition of a resolution of the General Assembly of the State of Ohio, adopted March 1, 1838.

On motion of Mr. Tod,

The resolution was laid upon the table.

Mr. Green gave notice, that on to-morrow or some subsequent day



of the present session, he should ask leave to introduce a bill to authorize and regulate a system of banking in this State.

On motion of Mr. Walton,

The Senate resolved itself into a committee of the whole, Mr. Cox in the chair, on the bill to prohibit the issuing and circulation of small bills; and after some time spent therein, the committee rose, reported progress, and asked leave to sit again, which was granted.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to authorize the county commissioners of the counties of Madison, Clark, and Green, to subscribe to the capital stock of a turnpike road company, or turnpike road companies, when such road or roads shall enter into or pass through any of the said counties or either of them;

A bill to lay out and establish a State road in the counties of Cuyahoga, Medina, and Wayne;

A bill to incorporate the Blendon young men's seminary;

A bill to incorporate the Jackson academy, in Jackson county;

A bill to repeal the act incorporating the village of Brighton.

Attest,

W. H. BLODGET, *Clerk.*

The bills from the House were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed a resolution providing for the election of one associate judge, for the county of Clark, on Saturday, the 19th instant, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Thomas,

The resolution from the House was laid upon the table.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House, and read the first time, to wit:

A bill for the relief of Frederick A. Abbott;

A bill to incorporate the Wilsonville toll-bridge company, in the county of Athens;

A bill to amend an act to provide for the inspection of certain articles therein named;

A bill to provide for the more effectual punishment of certain offences in the the county of Scioto;

A bill to divide the town of Akron, in Portage county, into two school districts;

A bill to abolish the board of canal commissioners, and to revive the board of public works;

A bill to extend the corporate limits of Columbus.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Thomas,  
The Senate then adjourned.  
Attest,

C. J. McNULTY, *Clerk.*

FRIDAY, *January 18, 1839.*

The Senate met pursuant to adjournment.

Mr. Shideler presented the petition of George Kneisley and the accompanying papers, praying for damages sustained by the extension of the Miami canal; which was referred to the standing committee on canals.

Mr. Wade presented the petition of sundry citizens of Ashtabula county, praying the repeal of all laws which make any distinction among the inhabitants of this State on account of color; which was referred to the standing committee on the judiciary.

Mr. Fuller presented a petition from citizens of Cuyahoga county, praying the passage of a general banking law; which was referred to the standing committee on the currency.

Mr. Smith presented a petition from residents of the county of Clinton, in relation to the subject of slavery; which was referred to the standing committee on the judiciary.

Mr. Smith presented a petition from citizens of Warren county, praying the incorporation of a company to construct a turnpike road from Lebanon to Hopkinsville, in the county of Warren; which was referred to Mr. Smith.

Mr. Allen presented petitions from citizens of Delaware county, praying the prohibition of the sale of ardent spirits in certain cases; which were laid upon the table.

Mr. Matthews presented petitions from citizens of Guernsey and Coshocton counties, praying the construction of a McAdamized road through parts of said counties; which were referred to the standing committee on roads and highways.

The Speaker presented remonstrances from citizens of Washington and Athens counties, against the erection of the proposed new county of Chester; which were referred to the standing committee on new counties.

The Speaker presented the annual report of the president of the Columbiana county agricultural society; which was laid upon the table.

Mr. Ihrig, from the standing committee on roads and highways, to which had been referred the petitions on that subject, reported a bill to lay out a graded state road in the counties of Richland and Holmes; which was read the first time.

The following bills were then severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 80.) A bill to incorporate the Salem township baptist church, in the county of Muskingum;

(S. No. 81.) A bill to establish a superior court in the city of Cleveland;

(H. No. 102.) A bill repealing the act incorporating the village of Brighton;

(H. No. 105.) A bill to incorporate the Jackson academy, in the county of Jackson;

(H. No. 107.) An act to authorize the county commissioners of the counties of Madison, Clark and Green, to subscribe to the capital stock of any turnpike road company, or turnpike road companies, when such road or roads shall enter into or pass through any of said counties, or either of them;

(H. No. 121.) A bill to incorporate the Blendon young men's seminary.

The following bill was read the second time, and

On motion of Mr. Ihrig,

Recommended to the standing committee on roads and highways, to wit:

(H. No. 110.) An act to lay out and establish a state road in the counties of Cuyahoga, Medina and Wayne.

The following bill of the Senate was read the third time and passed, to wit:

An act to amend an act entitled, an act to incorporate the Mansfield and New Haven railroad company.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

Mr. Spangler offered the following resolution, to wit:

*Resolved by the General Assembly of the State of Ohio,* That the standing committee on schools and school lands, be instructed to amend the law regulating common schools, so as to dispense with the services of the superintendent of the same.

Mr. James moved to lay the resolution upon the table; upon which question the yeas and nays were called, and were—yeas 5 nays 27—as follows, to wit:

Yeas—Messrs. Cox, James, Morris, Tod and Vanmetre—5.

Nays—Messrs. Allen, Bates, Birch, Brady, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Shideler, Thomas, Tracy, Utter, Wade, Walton, White and Speaker—27.

So the question was lost.

The question then recurred upon the adoption of the resolution; upon which question the yeas and nays were called, and were—yeas 8, nays 24—as follows, to wit:

Yeas—Messrs. Craighill, Green, Hostetter, Ihrig, McLaughlin, Spangler, Shideler and Speaker—8.

Nays—Messrs. Allen, Bates, Birch, Brady, Cox, Fuller, Harlan, Holmes, James, Matthews, Morris, Oliver, Rodgers, Smith, Stokely,



Shannon, Tod, Thomas, Tracy, Utter, Vanmetre, Wade, Walton and White—24.

So the question was lost, and the resolution was rejected.

On motion of Mr. James,

The resolution from the House providing for certain elections, was taken up.

Mr. Utter moved to amend the resolution by striking out "Saturday the 19th inst.," and inserting "Thursday the 24th;" upon which question,

Mr. James called for the yeas and nays, which were ordered, and were—yeas 17 nays 15—as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Shideler, Stadden, Tod, Utter, Walton and Speaker—17.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmetre, Wade and White—15.

So the question was carried, and the amendment was agreed to.

The resolution was then further amended and agreed to.

Ordered, that the House be informed thereof.

On motion of Mr. Allen,

The proceedings of the State internal improvement convention, were taken up and referred to the standing committee on canals.

#### Message from the House of Representatives.

Mr. Speaker:

The house has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to amend the act entitled, an act to provide for the incorporation of townships;

A bill to organize the town of Hamilton, in the county of Butler, into two separate and independent school districts;

A bill to amend the act entitled, an act for opening and regulating roads and highways, passed March 14, 1831;

A bill to vacate part of a state road in the county of Columbiana;

A bill to change the name of the town of Guilford, in the county of Mercer.

The House has passed the following bill of the Senate without amendment, to wit:

A bill to carry into effect a contract made by the adjutant general, with Capt. S. Cooper of the United States army.

Attest,

W. H. BLODGET, *Clerk.*

The bills from the House were read the first time.

Mr. Harlan, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the Alexandersville and Bellbrook turnpike road company; which was read the first time.

On motion of Mr. Harlan,

The resolution from the House providing for printing certain copies

of the report of the standing committee of the House on common schools, was taken up and agreed to.

Ordered, that the House be informed thereof.

On motion of Mr. Bates,

The resolution from the House, providing for a review of the seat of justice of Williams county, was taken up and referred to the standing committee on new counties.

On motion of Mr. Holmes,

The Senate resolved itself into a committee of the whole, Mr. Cox in the chair, on the bill to prohibit the issuing and circulation of small bill; and after some time spent therein, the committee rose, reported progress, and asked leave to sit again, which was granted.

Mr. Tracy gave notice that on to-morrow or some subsequent day of the session, he would ask leave to introduce a bill to incorporate the wardens and vestry of Christ's church in Huron.

On motion of Mr. Spangler,

The Senate then adjourned.

Attest:

C. J. McNULTY, *Clerk*.

SATURDAY, *January 19, 1839.*

The Senate met pursuant to adjournment.

Mr. Wade presented the petition of John B. Mahon, of Brown county, praying for certain relief.

Mr. Wade moved to refer it to a select committee of two.

Mr. McLaughlin moved to refer the petition to the standing committee on the judiciary, upon which question the yeas and nays were called, and were, yeas 18, nays 16, as follows, to wit:

Yeas—Messrs. Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Utter, Walton, and Speaker—17.

Nays—Messrs. Birch, Cox, Fuller, Harlan, Green, James, Morris, Oliver, Smith, Stokely, Tod, Thomas, Tracy, Vanmetre, Wade, and White—16.

So the question was carried, and the petition was referred to the standing committee on the judiciary.

Mr. Thomas presented a petition from citizens of Miami county, praying legislative encouragement to the culture of silk in this State; which was referred to the standing committee on agriculture, commerce and manufactures.

Mr. Thomas presented a petition from citizens of Miami county, praying a re-survey of the State road from Troy, in said county, to Greenville, in Dark county; which was referred to the standing committee on roads and highways.

Mr. Hostetter presented a petition from citizens of the county of Columbiana, praying the construction of a McAdamized road from some point on the Ohio river to Massillon, in the county of Stark:

which was referred to the same committee of the whole Senate to which had heretofore been committed the bill (H. No. 85) to incorporate the Liverpool and Massillon McAdamized road company.

Mr. Bates presented petitions from citizens of Lucas county, praying the removal of the seat of justice of said county; which were referred to the standing committee on new counties.

Mr. Bates presented a remonstrance from citizens of Lucas county, against the erection of the new county of Beaver; which was referred to the same committee of the whole Senate, to which had heretofore been committed the bill to erect said county.

Mr. Wade presented petitions from citizens of the county of Ashtabula, praying the repeal of the law authorizing a loan of credit by the State of Ohio to railroad companies, and to authorize subscriptions by the State to the capital stock of turnpike, canal, and slackwater navigation companies; which were laid upon the table.

Mr. Shannon presented a memorial from the citizens of the town of Barnesville and vicinity, in the county of Belmont, praying an act of incorporation for a male academy in said town; which was referred to Mr. Shannon.

Mr. Brady presented a petition from sundry citizens of the town of Waterford, in the county of Tuscarawas, praying the passage of an act to change the name of said town, and for the incorporation of the same; which was referred to a select committee of two, and the chair announced Messrs. Brady and Matthews said committee.

Mr. Wade presented a petition from persons of color residing in this State, praying an act of incorporation for school purposes.

Mr. Holmes moved to reject the petition.

Mr. Wade, on leave, withdrew the petition.

The Speaker presented the annual report of the board of canal commissioners; which was ordered to lie upon the table.

(See vol. pub. doc. No. 50.)

The Speaker presented the special report of the Auditor of State in answer to a resolution of the Senate calling for the amount of money expended on account of the militia system of this State; which was ordered to lie upon the table.

Mr. Wade renewed the presentation of the petition.

Mr. Holmes renewed the motion to reject the same; upon which question the yeas and nays were called, and were, yeas 14, nays 19, as follows, to wit:

Yeas—Messrs. Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Spangler, Saylor, Stadden, Tod, Utter, Walton, and Speaker—14.

Nays—Messrs. Bates, Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Rodgers, Smith, Stokely, Shannon, Shideler, Thomas, Tracy, Vanmetre, Wade, and White—19.

So the question was carried and the petition was received.



On motion of Mr. James,  
The Senate then adjourned.

Attest,

C. J. M'NULTY, *Clerk.*

MONDAY, *January 21, 1839.*

The Senate met pursuant to adjournment.

Mr. Bates presented petitions from citizens of Lucas county, praying the removal of the seat of justice of said county; which were referred to the standing committee on new counties.

Mr. Bates presented a remonstrance from citizens of Williams county against the removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Bates presented a petition from sundry citizens of Lucas county, praying a revaluation of the taxable property of said county, and an amendment of the road law; which was referred to the standing committee on finance.

Mr. Spangler presented the memorial of T. Worthington, of Hocking county, relative to the transfer of a judgment against his deceased father's estate; which was referred to the standing committee on the judiciary.

Mr. Brady presented a petition from citizens of Portage county, praying the passage of a general banking law; which was referred to the standing committee on the currency.

Mr. Utter presented the memorial of Benjamin Morris, of Clermont county, in relation to negro representation in Congress; which was laid upon the table.

Mr. Bates presented a petition from citizens of Putnam county, praying the passage of a law protecting Thomas Harman in the use of certain water power on Blanchard's river; which was referred to the standing committee on the judiciary.

Mr. Harlan presented the petition of sundry ladies of Fayette county, praying the extension of the right of trial by jury, and the repeal of all laws which make any distinction among the inhabitants of this State on account of color; which was referred to the standing Committee on the judiciary.

Mr. Harlan presented the petition of sundry ladies of Fayette county, in relation to the abolition of slavery and the slave trade in the District of Columbia and the Territory of Florida, and in relation to the annexation of Texas to the United States; which was referred to the standing committee on the judiciary.

Mr. Birch presented the petition of citizens of Lorain county, praying the incorporation of the first congregational church and society of Huntington, in said county; which was referred to Mr. Birch.

Mr. Craighill presented a petition from citizens of Crawford and Seneca counties for an appropriation of the three per cent. fund; which was referred to the same select committee to which had heretofore been referred petitions on that subject.

Mr. Craighill presented petitions from citizens of Sandusky county, for the erection of the proposed new county of Salem; which were referred to the standing committee on new counties.

Mr. Wade presented a petition from citizens of Ashtabula county, praying the legislature to adopt resolutions in relation to the subject of slavery; which was referred to the standing committee on the judiciary.

Mr. Wade presented a petition from citizens of Ashtabula county, praying the legislature to protest against the admission of Texas into the Union; which was referred to the standing committee on the judiciary.

Mr. Wade presented a petition from citizens of Ashtabula county, praying the Legislature to repeal the laws of this State imposing disabilities upon persons of color.

On motion of Mr. Wade,

So much of the said petition as relates to the amendment of the school laws, was referred to the standing committee on schools and school lands, and the remaining parts of the petition were referred to the standing committee on the judiciary.

The Speaker presented two special reports from the board of canal commissioners, one in relation to the survey and estimates of the Wooster, Chippeway, and Clinton canal, and one in relation to the examination of Raccoon creek; which were ordered to lie upon the table and be printed.

(See vol. Pub. Doc. No. 36 and No. 51.)

Mr. Stokely presented the petition of a committee of militia officers appointed by a military convention held at Columbus, praying an amendment of the militia laws of this State; which was laid upon the table.

Mr. Stadden presented a petition from citizens of Fairfield and Licking counties, praying the location of a graded State road through parts of said counties; which was referred to the standing committee on roads and highways.

Mr. Shideler presented a petition from Susannah Kiser for a divorce from her husband, Andrew Kiser.

The legal notice not having been given, the chair announced the question to be, "Shall the petition be received?" upon which question,

Mr. James called for the yeas and nays, which were ordered, and were, yeas 17, nays 16—as follows, to wit:

Yeas—Messrs. Birch, Brady, Craighill, Fuller, Green, Harlan, Ihrig, Matthews, Rodgers, Stokely, Saylor, Shideler, Stadden, Thomas, Tracy, Wade, and White—17.

Nays—Messrs. Bates, Cox, Holmes, Hostetter, James, McLaughlin, Morris, Oliver, Smith, Spangler, Thompson, Tod, Utter, Vanmeter, Walton and Speaker—16.

So the question was carried and the petition was received; and

On motion of Mr. Shideler,

Referred to the standing committee on the judiciary.

Mr. Stokely presented a petition from citizens of Jefferson county, praying the repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. Stokely presented sundry petitions from citizens and ladies of Jefferson county, praying generally for the relief of the colored population of Ohio, in relation to slavery and the slave trade in the District of Columbia and the territories, the admission of Texas into the Union, and for other purposes.

On motion of Mr. Stokely,

So much of said petitions as relates to an amendment of the school laws, was referred to the standing committee on schools and school lands, and the remaining parts thereof were referred to the standing committee on the judiciary.

Mr. Stokely presented the petition of the directors of the Steubenville, Cadiz, and Cambridge McAdamized road company, praying an amendment of their charter; which was referred to Mr. Stokely.

Mr. Wade presented a petition from citizens of Ashtabula county, praying legislative encouragement to the culture of silk; which was referred to the standing committee on agriculture, commerce, and manufactures.

Mr. Wade presented a petition from citizens of Ashtabula county, praying the repeal of the law authorizing a loan of credit by the State of Ohio to railroad companies, and authorizing subscriptions by the State to the capital stock of turnpike, canal, and slackwater navigation companies; which was laid upon the table.

Mr. Cox, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled the following bills, to wit:

An act to appoint a commissioner of the canal fund;

An act to carry into effect a contract made by the adjutant general with Capt. S. Cooper, of the United States army;

An act to incorporate the town of Mason, in the county of Warren.

Mr. Thomas from the standing committee on new counties, made the following report, which was agreed to, to wit:

The standing committee on new counties to which was referred the petitions of citizens of Richland, Crawford, Marion and Knox counties, praying for the erection of the new county of York, the seat of justice to be at Gallion, in Richland county, have had the same under consideration, and now report:

That the committee are of the opinion that the erection of said county is at this time inexpedient, and recommend the adoption of the following resolution:

*Resolved*, That the standing committee on new counties be discharged from the further consideration of the petitions for the erection of the new county of York, and that the subject be postponed to the first Monday of December next.



Mr. Ihrig, from the standing committee on roads and highways, made the following report, which was agreed to, to wit:

The committee on roads and highways, to whom was recommitted bill of the Senate No. 71, have had the same under consideration and now report:

Your committee had the bill of the Senate No. 71 under consideration, and report the same back without amendment, and recommend for adoption the following resolution:

*Resolved*, That bill No. 71 of the Senate be committed to the committee of the whole Senate, and made the order of the day for this day.

Mr. White, from the standing committee on enrollment, made the following report, to wit:

The committee on enrollment have examined and found duly enrolled the following bills:

An act to provide for the preservation and safe keeping of the Journals of the General Assembly;

An act to authorize the county commissioners of Crawford county to borrow money;

An act to incorporate the Rockport Lyceum in the county of Cuyahoga;

An act to incorporate the first united brethren church in Christ, of Harrison township in Gallia county;

An act to amend the act for the election of county assessors;

An act to incorporate the McConnellsville library and reading room association.

Mr. Oliver, from the standing committee on agriculture, commerce and manufactures, to which had been recommitted the bill (H. No. 67) to incorporate the Geauga silk company, reported the same back with sundry amendments, which were agreed to, and the bill was further amended, and the amendments ordered to be engrossed, and with the bill read the third time on to-morrow.

Mr. Smith, from the select committee, to which petitions on that subject had been referred, reported a bill to incorporate the Lebanon and Hopkinsville turnpike company; which was read the first time.

Mr. Green, from the select committee, to which petitions on that subject had been referred, reported a bill to authorize the court of common pleas of Pickaway county to vacate certain alleys in the town of Circleville in said county; which was read the first time.

Mr. Brady, from the select committee, to which petitions on that subject had been referred, reported a bill to change the name of Waterford, in the county of Tuscarawas; which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 82.) A bill to lay out a graded state road in the counties of Richland and Holmes;

(S. No. 83.) A bill to incorporate the Alexandersville and Bellbrook turnpike company;

(H. No. 40.) An act to vacate a part of a state road in the county of Columbiana;

(H. No. 114.) An act to organize the town of Hamilton, in the county of Butler, into two separate and independent school districts;

(H. No. 115.) An act to amend the act entitled an act to provide for the incorporation of townships;

(H. No. 113.) An act to change the name of the town of Guilford, in the county of Mercer;

(H. No. 79.) An act further to amend the act entitled an act for opening and regulating roads and highways, passed March 14th, 1831.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill to which the concurrence of the Senate is requested, to wit:

A bill to vacate certain alleys in the town of Massillon, and to establish a street in said town.

Attest,

W. H. BLODGET, *Clerk.*

The bill from the House was read the first time.

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills, to which the signature of the Speaker of the Senate is also requested, to wit:

A bill to amend the act for the election of county assessors;

A bill to incorporate the first united brethren church in Christ, of Harrison township, in Gallia county;

A bill to incorporate the McConnellsville library and reading room association;

A bill to lay out a state road in the counties of Licking, Muskingum and Coshocton;

A bill to provide for the preservation and safe keeping of the Journals of the General Assembly;

A bill to authorize the county commissioners of Muskingum county to subscribe to the capital stock of any turnpike road company or turnpike road companies, when such road or roads shall enter into or pass through any part of said county;

A bill to authorize the trustees of the school district composed of the corporate limits of the town of Gallipolis, in the county of Gallia, to borrow money for school purposes.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

Mr. Green, pursuant to previous notice, asked and obtained leave, and

introduced a bill to authorize and regulate a system of banking within the State of Ohio; which was read the first time.

Mr. Bates, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the grace church of Maumee city; which was read the first time.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to regulate incorporated literary societies;

A bill to amend an act to regulate the taxation and collection of costs.

A bill for the support and better regulation of public schools in the town of Zanesville;

A bill to lay out and establish a State road in the counties of Stark and Portage;

A bill to amend the act entitled An act to incorporate the Colerain, Oxford, and Brookville turnpike company, passed February 13th, 1832;

A bill to divorce Mary Earle from her husband, Robert Earle;

A bill for the relief of James A. Wilkinson;

A bill to authorize the president, recorder, and trustees of the town of New Lisbon to borrow money;

A bill to incorporate the first presbyterian church in Hanover, in the county of Columbiana;

A bill to amend the second section of the act pointing out the mode of levying taxes.

The House has passed a resolution providing for printing sundry copies of the report of the superintendent of the national road, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Spangler,

The resolution from the House was laid upon the table.

Mr. Thomas gave notice, that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the Miami silk growing and manufacturing company of Troy.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to incorporate the Oxford female academy;

A bill to incorporate the St. John's church of Lancaster, in Fairfield county;

A bill to incorporate the life union society in the township of Bath, Medina county;

A bill to amend an act entitled An act to incorporate the trustees of the Windham school fund, passed February 18, 1830;



A bill to incorporate the western phrenological society of Cincinnati, Ohio.

The House has passed the following bills of the Senate without amendment, to wit:

A bill to divorce Phebe Dunbar, otherwise called Phebe Keeler, from her husband, Ananias Dunbar.

The following bills have been reported to the House, and read the first time, to wit:

A bill to change the name of the town of Columbia, in Putnam county, to Pendleton;

A bill to regulate the fees of witnesses in criminal cases;

A bill to incorporate the wardens and vestry of St. Andrew's church in Elyria, Lorain county.

Attest,

W. H. BLOLGET, *Clerk*.

The bills from the House were read the first time.

On motion of Mr. Ihrig,

The Senate resolved itself into a committee of the whole, Mr. Cox in the chair, on the bill (H. No. 45) to prohibit the issuing and circulation of small bills; and after some time spent therein, the committee rose, reported progress, and asked leave to sit again, which was granted.

On motion of Mr. Spangler,

The Senate again resolved itself into a committee of the whole, Mr. Cox in the chair, on the bill to prohibit the issuing and circulation of small bills; and after some time spent therein, the committee rose, reported progress, and asked leave to sit again, which was granted.

The Speaker presented a communication from the Governor covering certain resolutions of the Legislature of Kentucky; which was laid upon the table.

(See vol. Pub. Doc. No 84)

Mr. Walton offered the following resolution, which was agreed to, to wit:

*Resolved*, That a select committee of three be appointed to consider and report to the Senate the proper course to be pursued by the General Assembly of Ohio in treating with the commissioners appointed on behalf of the State of Kentucky, relative to the objects of their mission.

The Speaker announced Messrs. Walton, Green, and Tod, the committee under said resolution.

On motion of Mr. Saylor,

The Senate resolved itself into a committee of the whole, Mr. Tracy in the chair, on the bill to amend the act entitled An act to incorporate the Greenville, New Madison, and New Paris turnpike company; and the same was reported back with one amendment, which was agreed to, and the bill was ordered to be engrossed for its third reading in order to its final passage on to-morrow.

Mr. Thomas moved to take up resolution No. 3. of the Senate.

Mr. McLaughlin moved that the Senate resolve itself into a committee of the whole upon the orders of the day; upon which question,

Mr. Thomas called for the yeas and nays, which were ordered, and were, yeas 16, nays 14—as follows, to wit:

Yeas—Messrs. Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, and Speaker—16.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan James, Morris, Oliver, Smith, Stokely, Thomas, Tracy, Wade, and White—14.

So the question was carried; and

The Senate then resolved itself into a committee of the whole, Mr. Thomas in the chair, on the following bills, to wit:

(S. No. 31.) A bill to incorporate the Huron fire association;

(S. No. 44.) A bill to incorporate the first baptist church of Peru and vicinity, in the county of Huron;

(S. No. 59.) A bill to authorize the commissioners of Huron county to borrow money;

(S. No. 62.) A bill to incorporate the first congregational church and society in Birmingham, Huron county;

(S. No. 16.) A bill to provide for the collection of demands against steamboats and other water crafts: and after some time spent, the committee rose and reported back the following bills without amendment; which were ordered to be engrossed for their third reading in order to their final passage on to-morrow, to wit:

(S. No. 59.) A bill to authorize the commissioners of Huron county to borrow money;

(S. No. 62.) A bill to incorporate the first congregational church and society in Birmingham, Huron county.

The following bills were reported back with sundry amendments, which were agreed to; and they were ordered to be engrossed for their third reading in order to their final passage on to-morrow, to wit:

(S. No. 31.) A bill to incorporate the Huron fire association;

(S. No. 44.) A bill to incorporate the first baptist church in Peru and vicinity, in the county of Huron.

The following bill was reported back without amendment; and,

On motion of Mr. James,

Laid upon the table, to wit:

(S. No. 16.) A bill to provide for the collection of demands against steamboats and other water craft.

A message from the House of Representatives.

Mr. Speaker:

The House has passed a resolution appointing a committee to wait on the committee from the legislature of Kentucky, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Walton,

The resolution from the House was laid upon the table.

25 s.

Message from the House of Representatives.

Mr. Speaker:

The House has passed a resolution in relation to the printing of three thousand copies, &c., of the report of the trustees of the deaf and dumb asylum, in which they request the concurrence of the Senate.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Spangler,

The resolution from the House was amended by striking out the word "three" where it occurs, and inserting in lieu thereof the word "one."

The resolution, as amended, was then agreed to.

Ordered that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the amendments of the Senate to the resolution of the House, in relation to the election of certain officers, with sundry amendments, in which they request the concurrence of the Senate.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. James,

The resolution and amendments were laid upon the table.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to erect the county of Center;

A bill for the relief of Charles Hill, jr.;

A bill to incorporate the congregational church of Plain, in Wood county;

A bill to incorporate the methodist episcopal church of Johnstown, in the county of Licking;

A bill to incorporate the first baptist society of Perrysburg, in Wood county;

A bill amendatory of an act entitled An act defining the mode of laying out and establishing township roads, passed March 11th, 1831.

The House has passed the following bill, to which the concurrence of the Senate is requested, to wit:

A bill to prohibit the establishment, within this State, of any branch, office, or agency of the United States Bank of Pennsylvania, or any other bank or corporation incorporated by the laws of any other State, or by the laws of the United States, and for other purposes.

The House has passed a resolution calling upon the superintendent of common schools for certain information, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The bill from the House was read the first time.



The resolution from the House was agreed to.

Ordered that the House be informed thereof.

On motion of Mr. Ihrig,

The Senate then adjourned.

Attest:

C. J. McNULTY, *Clerk.*

TUESDAY, *January 22, 1839.*

The Senate met pursuant to adjournment.

Mr. Morris presented petitions from residents of the counties of Clinton and Highland, praying the incorporation of the literary and botanico-medical college of Ohio; which were referred to the same committee of the whole Senate to which had heretofore been committed the bill to incorporate said institution.

Mr. Rodgers presented remonstrances from citizens of Athens county, against the erection of the proposed new county of Chester; which were referred to the standing committee on new counties.

Mr. McLaughlin presented the remonstrance of sundry physicians of Richland and Huron counties against the passage of the bill to establish an eye infirmary in the city of Cincinnati; which was laid upon the table.

Mr. Shannon presented the memorial of W. B. Hubbard, of Belmont county, on behalf of the Stillwater navigation and railroad company; which was referred to the standing committee on canals.

Mr. Shannon presented petitions from citizens of the county of Belmont, praying the connection of the Ohio canal with the Baltimore and Ohio railroad at Wheeling; which were referred to the standing committee on canals.

Mr. Birch presented the petition of citizens of Lorain county, praying the legislature to remunerate John B. Mahon for pecuniary loss; which was referred to the standing committee on the judiciary.

Mr. Wade presented petitions from citizens of Ashtabula county, in relation to the subject of slavery and the slave trade, the admission of Texas into the Union, &c. which were referred to the standing committee on the judiciary.

Mr. Wade presented the petition of citizens of Ashtabula county, praying the extension of the right of trial by jury; which was referred to the standing committee on the judiciary.

Mr. Harlan presented a petition from citizens of Clinton, Greene, and Clark counties, praying the incorporation of the Wilmington, Port William, Jamestown, and South Charleston turnpike company; which was referred to a select committee of three, and the chair appointed Messrs. Harlan, James, and Thomas said committee.

Mr. White presented sundry petitions from citizens of Brown county, in relation to the extension of the right of trial by jury, the subject of slavery and the slave trade, the repeal of laws making distinctions among the inhabitants of this State on account of color, against the

annexation of Texas to the United States, and against the admission of any new State into the confederacy whose constitution tolerates domestic slavery; which were referred to the standing committee on the judiciary.

Mr. Thomas presented petitions from citizens of Dark and Miami counties, asking a re survey of the State road from Troy to Greenville; which were referred to the standing committee on roads and highways.

Mr. Thomas presented the petition of citizens of Dark county, praying for relief to Wm. Wolf, Philip Raptogle, and Joseph Wolf, on account of errors by them committed in entering upon and improving land belonging to the State of Ohio, and the accompanying papers; which were referred to the standing committee on public lands.

Mr. Tod presented the petition of Robert Boyce, of Trumbull county, for a divorce from his wife, Clarinda Boyce; which was referred to the standing committee on the judiciary.

Mr. Ihrig, from the standing committee on roads and highways, to which petitions on that subject had been referred, reported a bill to incorporate the Coshocton and Cambridge turnpike road company; which was read the first time.

Mr. Birch, from the standing committee on roads and highways, to which petitions on that subject had been referred, reported a bill to amend the act passed 17th March, 1838, entitled An act to establish a free turnpike road from the south boundary of Champaign county to Upper Sandusky, in Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county; which was read the first time.

Mr. Fuller, from the standing committee on schools and school lands, to which was referred the petition of citizens of Montgomery township, Richland county, made the following report thereon, which was ordered to lie on the table.

(See Appendix, G, p. 11.)

Mr. White, from the standing committee on enrollment, made the following report:

The committee on enrollment have examined and found duly enrolled the following bills:

An act to lay out a State road in the counties of Licking, Muskingum, and Coshocton;

An act to authorize the trustees of the school district composed of the corporate limits of the town of Gallipolis, in the county of Gallia, to borrow money for school purposes;

An act to authorize the county commissioners of Muskingum county to subscribe to the capital stock of any turnpike road company or turnpike road companies, when such road or roads shall enter into or pass through any part of said county.

Mr. White, from the standing committee on enrollment, made the following report, to wit:

The committee on enrollment have deposited in the office of the Secretary of State, and taken his receipt for, the following enrolled acts and resolutions:

An act to authorize the county commissioners of Muskingum county to subscribe to the capital stock of any turnpike road company or turnpike road companies when such road or roads shall enter into or pass through any part of said county.

An act to provide for the preservation and safe-keeping of the journals of the General Assembly;

An act to lay out a State road in the counties of Licking, Muskingum, and Coshocton;

An act to incorporate the McConnellsville library and reading room association;

An act to incorporate the first united brethren church in Christ, of Harrison township, in Gallia county;

An act to amend the act for the election of county assessor;

An act to authorize the trustees of the school district composed of the corporate limits of the town of Gallipolis, in the county of Gallia, to borrow money for school purposes;

An act to amend the act entitled An act allowing and regulating writs of attachment before justices of the peace, passed January 7th, 1824;

Resolution appointing a committee to investigate the concerns of the Farmers's Bank of Canton;

Resolution for printing the report of the superintendent of common schools.

Mr. Birch, from the select committee to which petitions on that subject had been referred, reported a bill to incorporate the first congregational church and society of the township of Huntington, in the county of Lorain; which was read the first time.

Mr. Bates, from the select committee to which petitions on that subject had been referred, reported a bill to authorize the county commissioners of Hardin county to subscribe to the capital stock of the Mad river and Lake Erie railroad company, and to convey certain lots; which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 84.) A bill to incorporate the Lebanon and Hopkinsville turnpike company;

(S. No. 85.) A bill to authorize the courts of common pleas of Pickaway county to vacate alleys in the town of Circleville, in said county;

(S. No. 86.) A bill to change the name of the town of Waterford, in the county of Tuscarawas;

(S. No. 87.) A bill to authorize and regulate a system of banking in the State of Ohio;

(S. No. 88.) A bill to incorporate the grace church of Maumee city;

(H. No. 125.) An act to vacate certain alleys in the town of Massillon, and to establish a street in said town;



(H. No. 120.) An act to incorporate the life union society, in the township of Bath, Medina county;

(H. No. 118.) An act to amend an act entitled an act to incorporate the trustees of Windham school fund, passed Feb. 18th, 1830;

(H. No. 117.) An act to incorporate the Oxford female academy;

(H. No. 116.) An act to incorporate the St. John's church of Lancaster, Fairfield county;

(H. No. 108.) An act to incorporate the western phrenological society of Cincinnati.

The following bill was read the second time, and

On motion of Mr. Tod,

Recommitted to the standing committee on the currency, to wit:

(H. No. 83.) An act to prohibit the establishment within this State, of any branch, office or agency, of the United States Bank of Pennsylvania, or any other bank or corporation, incorporated by the laws of any other State, or by the laws of the United States, and for other purposes.

The following act of the House was read the third time, and passed, to wit:

An act to incorporate the Geauga silk company.

Ordered, that the title be as aforesaid, and that the House be informed thereof,

The following bills of the Senate were read the third time and passed, to wit:

An act to incorporate the Huron fire association;

An act to incorporate the first baptist church in Peru and vicinity, in the county of Huron;

An act to amend an act entitled an act to incorporate the Greenville, New Madison and New Paris turnpike company;

An act to authorize the commissioners of Huron county to borrow money.

Ordered, that the titles be as aforesaid, and that the concurrence of the House be requested.

The following bill was read the third time, and

On motion of Mr. Tracy,

Recommitted to the committee that reported it, to wit:

(S. No. 62.) A bill to incorporate the first congregational church and society, in Birmingham, Huron county.

Mr. McLaughlin, pursuant to previous notice, asked and obtained leave, and introduced a bill to exempt dwelling houses on farms from taxation; which was read the first time.

Mr. White gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the wardens and vestry of all-saints' church, Portsmouth, in the county of Scioto.

On motion of Mr. Wade,

The bill No. 20 of the Senate was taken up, and referred to a select committee of one—Mr. Wade.

Mr. Walton, from the select committee, appointed to inquire into the proper mode to receive and treat with the commissioners from the

State of Kentucky, asked leave to be discharged from the further consideration of the subject; which was granted.

On motion of Mr. Walton,

The resolution of the House appointing a joint select committee to wait upon the commissioners from the State of Kentucky, was taken up.

On motion of Mr. Stokely,

The resolution was amended by striking out so much thereof as specifies the particular object of their mission.

Mr. James moved that the Senate take a recess, upon which question the yeas and nays were called, and were, yeas 17, nays 17; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, Hostetter, James, McLaughlin, Morris, Rodgers, Smith, Stokely, Spangler, Thomas, Vanmeter, Wade and White—17.

Nays—Messrs. Bates, Brady, Craighill, Holmes, Ihrig, Matthews, Oliver, Shannon, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Walton and Speaker—17.

So the question was lost.

The resolution was then further amended and agreed to.

Ordered to the House for concurrence.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills to which the concurrence of the Senate is requested:

A bill to incorporate the Belmont manufacturing company;

A bill to incorporate the Leading Creek toll bridge company in the county of Meigs;

A bill to create the thirteenth judicial circuit in Ohio.

Attest,

W. H. BLODGET, *Clerk*.

The bills from the House were read the first time.

On motion of Mr. Thompson,

The Senate resolved itself into a committee of the whole, Mr. Saylor in the chair, on the bill (S. No. 42) to incorporate the village of Mechanicstown, in the county of Carroll, and the same was reported back with sundry amendments, which were agreed to, and the bill was further amended and ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

Mr. Tracy, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the wardens and vestry of Christ's church in Huron; which was read the first time.

On motion of Mr. Spangler,

The Senate again resolved itself into a committee of the whole, Mr. Cox in the chair, on the bill to prohibit the issuing and circulation of small bills, and after some time spent therein, the committee rose, reported progress, and asked leave to sit again; which was granted.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House, and read the first time, to wit:

A bill in addition to the act to tax bank, insurance, and bridge companies;

A bill to incorporate the town of Royalton, in Fairfield county;

A bill authorizing the auditor of Harrison county to receive the surrender of certain leases of school lands therein named, and to give certificates of purchase therefor;

A bill to amend an act entitled an act to incorporate the town of Medina, in the county of Medina, passed March 9th, 1835, and an act amendatory thereto, passed March 17th, 1838;

A bill to incorporate the town of Rochester, in Coshocton county, Ohio;

A bill to incorporate the Franklin library association, in the county of Mercer.

The Speaker of the House has signed the following enrolled bills, to which the signature of the Speaker of the Senate is also requested, to wit:

An act to incorporate the town of Mason, in the county of Warren;

An act to appoint a commissioner of the canal fund;

An act to carry into effect a contract made by the Adjutant General with Capt. S. Cooper of the United States Army.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

On motion of Mr. Green,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

WEDNESDAY, *January 23, 1839.*

The senate met pursuant to adjournment.

Mr. Shideler presented a petition from citizens of Montgomery county, praying an amendment of the laws regulating camp meetings; which was laid upon the table.

Mr. Bates presented a petition from sundry citizens of Lucas county, praying a removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Bates presented a remonstrance from citizens of Lucas county, against the removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Bates presented a petition from citizens of Lucas county, praying the extension of the Black Swamp road; which was referred to the standing committee on railroads and turnpikes.



Mr. Bates presented a petition from citizens of Lucas county, remonstrating against the erection of the proposed new county of Beaver; which was referred to the same committee of the whole Senate, to which had heretofore been committed the bill to erect said county.

Mr. Rodgers presented a remonstrance from citizens of Washington and Athens counties, against the erection of the proposed new county of Chester; which was referred to the standing committee on new counties.

Mr. Tracy presented a petition from citizens of Huron county, praying the erection of a new county out of parts of that and Lorain county; which was referred to the standing committee on new counties.

Mr. Fuller presented a petition from citizens of Cleveland, praying an amendment of the act of incorporation of said city; which was referred to Mr. Fuller.

Mr. Wade presented petitions from citizens of the county of Ashtabula, in relation to slavery and the slave trade in the District of Columbia and the territories, the admission of Texas into the Union, and other subjects.

Mr. Wade moved to refer the petitions to a select committee of three.

Mr. Holmes moved their reference to the standing committee on the judiciary, upon which question the yeas and nays were called, and were—yeas 23, nays 8—as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Cox, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Oliver, Rodgers, Smith, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Vanmetre, Walton and Speaker—23.

Nays—Messrs. Fuller, Harlan, Morris, Stokely, Thomas, Tracy, Wade and White—8.

So the question was carried, and the petitions were referred to the standing committee on the judiciary.

Mr. Allen presented a petition from citizens of Delaware county, praying the construction of a canal from the city of Columbus to some point on the Sandusky bay; which was referred to the standing committee on canals.

Mr. Holmes presented a petition from citizens of the city of Cincinnati, praying legislative encouragement to the growth of mulberry and the culture of silk; which was referred to the standing committee on agriculture, commerce and manufactures.

Mr. Harlan presented a petition from citizens of Greene county, praying the repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. Stokely presented petitions from citizens of Belmont county, praying the extension of the right of trial by jury, and the passage of an act to protect the community against the violence of mobs, and for others purposes.

On motion of Mr. Stokely,

So much of the petitions as relates to mobs, was referred to the select

committee on that subject; and the remaining parts thereof were referred to the standing committee on the judiciary.

Mr. Cox, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled the following bills to wit:

An act to divorce Phœbe Dunbar, otherwise called Phœbe Keeler, from her husband, Ananias Dunbar;

An act to incorporate the Clarkesville, Cuba, Snowhill, New Lexington and Leesburg turnpike company.

Mr. Matthews, from the standing committee on canals, to which had been referred the resolution of the House in relation to the Mercer county reservoir of the Miami canal extension, made the following report; which was ordered to lie upon the table, to wit:

(See Appendix, H. p. 12.)

Mr. Tracy, from the select committee to which was recommitted the bill to incorporate the first congregational church and society in Birmingham, Huron county, reported the same back with sundry amendments; which were agreed to.

And the question being,

Shall the bill pass?

It was taken and carried.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

Mr. Walton, from the joint select committee on that subject, reported a bill to regulate the time of holding the judicial courts; which was read the first time.

Mr. Wade, from the select committee to which had been recommitted the bill (S. No. 20,) reported the same back with sundry amendments.

On motion of Mr. Smith,

The bill and amendments were laid upon the table.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 89.) A bill to incorporate the Coshocton and Cambridge turnpike road company;

(S. No. 90.) A bill to amend the act passed 17th March 1838, entitled, an act to establish a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, in Crawford county; and to establish a free turnpike road from Jefferson, in Madison county, to Troy in Miami county;

(S. No. 91.) A bill to incorporate the first congregational church and society of the township of Huntington, in the county of Lorain;

(S. No. 92.) A bill to authorize the county commissioners of Hardin county, to subscribe to the capital stock of the Mad river and Lake Erie railroad company, and to convey certain lots;

(S. No. 94.) A bill to incorporate the wardens and vestry of Christs church in Huron;

(H. No. 71.) A bill to incorporate the Belmont manufacturing company;

(H. No. 69.) A bill to incorporate the Leading creek toll bridge company in the county of Meigs.

The following bill was read the second time:

(S. No. 3.) A bill to exempt houses and farms from taxation.

Mr. Spangler moved to commit the bill to the standing committee on finance, upon which question the yeas and nays were called, and were, yeas 27, nays 4; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, Morris, Olivers, Rodgers, Smith, Stokely, Spangler, Saylor, Shideler, Ted, Thomas, Utter, Van-meter, Wade, Walton and Speaker—27.

Nays—Messrs. McLaughlin, Stadden, Tracy and White—4.

So the question was carried, and the bill was committed to the standing committee on the finance.

The following bill was read the second time; and

On motion of Bates,

Committed to a committee of the whole Senate, and made the special order of the day for to-morrow, to wit:

(H. No. 27.) A bill to create the thirteenth judicial circuit in Ohio.

The following bill of the Senate was read the third time and passed, to wit:

An act to incorporate the village of Mechanicstown in the county of Corroll.

Ordered that the title be as aforesaid, and the concurrence of the House be requested.

Mr. Smith offered the following resolution which was agreed to; as follows, to wit;

*Resolved*, That the standing committee on finance be instructed to inquire whether any further legislation is necessary to secure the Warren county canal company, the payment of the amount of money to be refunded to said company under the provisions of the "act providing for the adjustment of the claims of the Warren county canal company, and the completion of said canal;" and if deemed necessary to report a bill accordingly.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills to which the concurrence of the Senate is requested, to wit:

A bill to incorporate the Massillon cemetery association;

A bill to amend the act entitled, an act defining the mode of laying out and establishing township roads, passed March 11, 1831; and the act entitled an act prescribing the duties of supervisors and relating to roads and highways, passed March 20, 1837;



A bill to lay and establish a state road in in the counties of Mercer and Vanwert;

A bill to amend the act entitled an act to provide for the election of prosecuting attorneys, passed January 29, 1833, so as to provide for any neglect of duty on the part of said officer;

A bill to incorporate the Dayton Western turnpike road company.

The House has agreed to the amendments of the senate to the bill of the House to incorporate the Geauga silk company.

The House has agreed to the amendments of the Senate, to the resolution of the House appointing a joint select committee to wait upon the commissioners from the Commonwealth of Kentucky, and have appointed Messrs. Smith of Montgomery, Andrews of Franklin, and Flood, a committee on the part of the House.

Attest,

W. H. BLODGET, *Clerk.*

The bills from the House were read the first time.

The chair announced Messrs. Walton, Green, and Tod, the committee on the part of the Senate, under the resolution of the House, to wait upon the commissioners from the State of Kentucky.

Ordered that the House be informed thereof.

Mr. Thomas, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the Miami silk growing and manufacturing company of Troy; which was read the first time.

Mr. Tod offered the following resolution; which was agreed to, to wit:

*Resolved*, That the standing committee on finance be instructed to inquire into the expediency of so amending the laws providing for the assessment and collection of taxes, as to provide that each township appoint its own assessor and collector.

On motion of Mr. Brady,

The Senate then resolved itself into a committee of the whole, Mr. Cox in the chair, on the bill to prohibit the issuing and circulation of small bills, and after some time spent therein, the committee rose, reported progress and asked leave to sit again; which was granted.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to incorporate the Martinsville Silliman's institute and library company;

A bill to authorize and encourage the establishment of agricultural societies in the several counties in this State and regulate the same;

A bill to amend the several acts for laying out and establishing State, county and township roads;

A bill to lay out and establish a graded State road in the counties of Stark and Portage;

A bill authorizing the auditor of Fairfield county to receive the surrender of certain leases of school lands, and to give certificates of purchase therefor;

A bill to incorporate the Cheviot, Cleves and Elizabethtown turnpike company in the county of Hamilton.

Attest,

W. H. BLODGET, *Clerk.*

The Speaker presented a special report from the auditor of State, in answer to a resolution of the Senate in relation to the surrender by the Ohio banks of their right to issue small bills; which was laid upon the table.

On motion of Mr. Spangler,

The resolution from the House in relation to certain elections on tomorrow, was taken up, and the amendment of the House to the amendment of the Senate was agreed to.

Ordered that the House be informed thereof.

Mr. Walton from the joint select committee on the subject, made the following report; which was laid upon the table:

The joint select committee appointed to wait on the commissioners appointed by the commonwealth of Kentucky, have attended to their duty, and tendered to them the appropriate civilities, and informed them that any communication they may desire to make, will be addressed to the Governor, and through him communicated to the legislature.

Mr. Stokely, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the second presbyterian church of Steubenville in the county of Jefferson; which was read the first time.

On motion of Mr. Uter.

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

THURSDAY, *Jannary* 24, 1839.

The Senate met pursuant to adjournment.

Mr. Bates presented a petition from citizens of Mercer county, praying an act of incorporation for a company to construct a railroad from St. Mary's, in said county, to the Indiana State line, in the direction of Fort Wayne; which was referred to the standing committee on railroads and turnpikes.

Mr. James presented the claim of Bethuel Samples, for cleaning the public arms in 1832; which was referred to the standing committee on claims.

Mr. McLaughlin presented the memorial of the president and directors of the Vermillion and Ashland railroad company, praying an amendment of the charter; which was referred to the standing committee on railroads and turnpikes.

Mr. Wade presented a petition from citizens of the county of Ashtabula, praying the extension of the right of trial by jury; which was referred to the standing committee on the judiciary.

Mr. Wade presented the petition of citizens of Ashtabula county, in relation to the abolition of slavery and the slave trade in the Dis-

trict of Columbia and the territories; which was referred to the standing committee on the judiciary.

Mr. Powers presented the petition of citizens of Portage county, praying the passage of a general banking law; which was referred to the standing committee on the currency.

Mr. Powers presented the petition of sundry citizens of Portage county, praying the passage of an act giving to mechanics a lien upon buildings they construct; which was referred to the standing committee on agriculture, commerce, and manufactures.

Mr. Powers presented the petition of citizens of Portage county, praying the incorporation of the proprietors of the Akron rural cemetery; which was referred to Mr. Powers.

Mr. Tracy presented a petition from citizens of Huron county, praying the repeal of the act to incorporate the town of Florence, in said county; which was referred to Mr. Tracy.

Mr. Tod presented a petition from citizens of Portage county, praying the passage of a general banking law; which was referred to the standing committee on the currency.

Mr. Allen presented a petition from citizens of Delaware county, praying the construction of a canal from Columbus to Sandusky Bay; which was referred to the standing committee on canals.

Mr. Walton, from the standing committee on the judiciary, to which had been recommitted the bill (H. No. 92) to amend the act making provision for carrying into effect the acts for the punishment of crimes, passed February 26, 1835, reported the same back without amendment, and recommended that the bill be recommitted to the standing committee on the penitentiary; which was agreed to, and the bill was accordingly recommitted.

Mr. Walton, from the standing committee on the judiciary, to which had been recommitted the bill (H. No. 65) to amend the act entitled An act to provide for the punishment of certain offences therein named, passed March 8th, 1831, reported the same back without amendment, and recommended that the same be indefinitely postponed; upon which question Mr. Stadden called for the yeas and nays, which were ordered, and were, yeas 24, nays 10, as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Cox, Craighill, Green, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, Morris, Oliver, Rodgers, Smith, Stokely, Spangler, Shideler, Tod, Thomas, Utter, Vanmetre, and Walton—24.

Nays—Messrs. Brady, Fuller, McLaughlin, Powers, Saylor, Stadden, Tracy, Wade, White, and Speaker—10.

So the question was carried, and the bill was accordingly postponed indefinitely.

Ordered, that the House be informed thereof.

Mr. Smith, from the standing committee on the judiciary, to which the petition on that subject had been referred, made the following report; which was agreed to, to wit:

The standing committee on the judiciary, to which was referred the



petition of Susan Kiser, praying to be divorced from her husband, Andrew Kiser, have examined the subject, and report:

The petitioner alleges as the ground upon which she prays the legislature to dissolve the marriage contract at present existing between herself and her husband, that he left her about ten years ago, and that she has not heard from him for the last seven years; that she has received no assistance or support from him for the last ten years, either for herself or her children. If the allegations of the petitioner be true, and the petitioner has conducted herself as a prudent and faithful wife, it will be perceived that she sets forth two grounds of divorce, "wilful absence," and "total neglect of duty," of both of which the supreme court of the state has full and complete cognizance. The inexpediency of legislative interference, therefore, will readily be perceived. It is also proper to remark, that there is no evidence before the committee, that any notice of the intended application to the legislature has been given, pursuant to the provisions of the act to regulate the mode of petitioning the legislature in certain cases. As the dissolution of the marriage contract is an important exercise of power, some notice of the intended application should in all cases be given, before that power should be exercised. Your committee recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petitioner ought not to be granted, and that she have leave to withdraw her petition.

Mr. Harlan, from the select committee on that subject, reported a bill to incorporate the Wilmington, Port William, Jamestown and South Charlestown turnpike road company; which was read the first time.

Mr. Fuller, from the select committee on that subject, reported a bill to incorporate the city of Cleveland, and for revising and repealing all laws heretofore enacted on that subject; which was read the first time.

Mr. Powers, from the select committee on that subject, reported a bill to incorporate the proprietors of the Akron burial cemetery; which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 97.) A bill to incorporate the second presbyterian church of Steubenville, in the county of Jefferson;

(S. No. 95.) A bill to regulate the times of holding judicial courts;

(S. No. 96.) A bill to incorporate the Miami silk growing and manufacturing company of Troy;

(H. No. 18.) An act to incorporate the Massillon cemetery association;

(H. No. 56.) An act to incorporate the Dayton western turnpike company;

(H. No. 82.) An act to amend the act entitled, an act defining the mode of laying out and establishing township roads, passed March 11,

1831; and the act entitled, an act prescribing the duties of supervisors, passed March 20, 1837;

(H. No. 132.) An act to lay out and establish a state road in the counties of Mercer and Vanwert;

(H. No. 133.) An act to amend the act to provide for the election of prosecuting attorneys, passed January 29, 1833, so as to provide for any neglect of duty on the part of said officer.

Mr. Spangler offered the following resolution; which was amended and agreed to, as follows, to wit:

*Resolved by the General Assembly of the State of Ohio,* That both branches of this General Assembly do meet in the hall of the house, on Friday the 25th inst., at two o'clock P. M., and then and there proceed to elect the following named officers: One state librarian, and two associate judges for Shelby county.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House, and read the first time, to wit:

A bill to incorporate the Wellsville and Cleveland McAdamized road company;

A bill for the relief of Caleb Imlay;

A bill to authorize the corporate authorities of the city of Chillicothe, to borrow money for school purposes;

A bill for the appointment of foreign commissioners;

A bill to revive and amend an act entitled, an act to incorporate the Norwalk and Huron railroad company, passed March 7th, 1835.

The House has passed the following bills of the Senate without amendment, to wit:

A bill to incorporate the first congregational church and society of Ridgeville, in the county of Lorain;

A bill to incorporate the Etna fire company of Elyria.

Attest,

W. H. BLODGET, *Clerk.*

The bills from the House were read the first time.

Mr. Powers gave notice that on to-morrow or some subsequent day of the present session, he should ask leave to introduce a bill to authorize the commissioners of Portage county to borrow money.

Mr. Stadden offered the following resolution; which was agreed to, as follows, to wit:

*Resolved by the Senate,* That the standing committee on the penitentiary are hereby authorized to sit during the sitting of the Senate, without further leave.

On motion of Mr. Utter,

The Senate resolved itself into a committee of the whole, Mr. Cox in the chair, on the bill (H. No. 45) to prohibit the issuing and circulation of small bills; and after some time spent therein, the committee rose, reported progress, and asked leave to sit again, which was granted.

Mr. Holmes offered the following resolution, which was agreed to, as follows, to wit:

*Resolved by the Senate,* That a select committee of three be appointed, whose duty it shall be to inquire if any additional compensation is necessary to be allowed to the state printer, in the discharge of his duties; and if so, what amount, and report the same as soon as practicable.

The Speaker announced Messrs. Holmes, Powers and Matthews said committee.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the amendment of the Senate to the resolution of the House, in relation to the printing the report of the trustees of the deaf and dumb asylum.

Attest,

W. H. BLODGET, *Clerk.*

A message from the House of Representatives.

Mr. Speaker:

The following bill has been reported to the House and read the first time, to wit:

A bill to extend the Columbus and Zoar state road.

The hall of the House is now ready for the reception of the Senate, to proceed to the election of certain associate judges, and one major general, as provided for by a resolution previously adopted for that purpose.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon the members of the Senate, preceded by their Speaker and clerk, repaired to the hall of the House of Representatives, and being seated within the bar of the House, both Houses proceeded, in pursuance of a joint resolution heretofore adopted, to elect one associate judge for the county of Clark, when the following was the result:

	First ballot.		Second ballot.
Rowland Brown.....	53 votes.	.....	54 votes.
John Hunt.....	52	.....	50
Blank.....	1	.....	2

Rowland Brown having on the second ballot received a majority of all the votes given, was by the Speaker of the Senate, in presence of both Houses, declared to be duly elected associate Judge for the county of Clark, to serve for the constitutional term of seven years.

The Houses next proceeded to elect an associate Judge for the county of Pike; when the following was the result:

William Hampton.....	53 votes.
Samuel Reed.....	49
Blank.....	3



William Hampton having received a majority of all the votes given, was by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected an associate Judge for the county of Pike, to serve for the constitutional term of seven years from and after the 7th day of Feb., 1839.

The Houses next proceeded to elect an associate Judge for the county of Washington, and the following was the result:

John Cotton.....	54 votes.
Hugh Hill.....	52

John Cotton having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected an associate Judge for the county of Washington, to serve for the constitutional term of seven years from and after the 8th day of Feb., 1839.

The Houses next proceeded to elect one associate Judge for the county of Putnam, and the following was the result:

Isaac M'Cracken.....	57 votes.
Blanks.....	17

Isaac M'Cracken having received the votes of a majority of all the members of the General Assembly, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected an associate Judge for the county of Putnam, to serve for the constitutional term of seven years from and after this day.

The Houses next proceeded to elect two associate Judges for the county of Sandusky, and the following was result:

George Overmyer, jr.....	56 votes
Isaac Knapp.....	56

George Overmyer, jr. and Isaac Knapp having received the votes of a majority of all the members of the General Assembly, were, by the the Speaker of the Senate, in the presence of both Houses, declared to be duly elected associate Judges for the county of Sandusky, to serve for the constitutional term of seven years, from and after the 8th day of Feb. 1839.

The Houses next proceeded to elect a Major General for the 18th division of the Ohio militia, and the following was the result:

Daniel Chase.....	57 votes
Blanks and scattering.....	30

Daniel Chase having received the votes of a majority of all the members of the General Assembly, was, by the Speaker of the Senate in the presence of both Houses, declared to be duly elected Major General of the 18th division of the Ohio militia.

The Houses next proceeded to elect an associate Judge for the county of Seneca, and the following was the result:

Henry C. Brish.....	58 votes.
Blanks.....	9

Henry C. Brish having received the votes of a majority of all the members of the General Assembly, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected an associate Judge for the county of Seneca, to serve for the constitutional term of seven years, from and after the 7th day of February, 1839.

The Houses next proceeded to elect an associate Judge for the county of Union, and the following was the result:

John Cassil.....	58 votes:
Blanks.....	11

John Cassil having received the votes of a majority of all the members of the General Assembly, was, by the Speaker of the Senate, in presence of both Houses, declared to be duly elected an associate Judge for the county of Union, to serve for the constitutional term of seven years, from and after the end of the present session of the General Assembly.

The elections being through with, the Senate returned to their chamber.

On motion of Mr. Walton,

The Senate resolved itself into a committee of the whole, Mr. Cox in the chair, on the bill, (H. No. 45,) to prohibit the issuing and circulation of small bills, and the same was reported back without amendment.

On motion of Mr. Tod,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

---

FRIDAY, *January 25, 1839.*

The Senate met pursuant to adjournment.

Mr. Shideler presented the annual statement of the condition of the Dayton Bank; which was referred to the standing committee on the currency.

Mr. Bates presented petitions from citizens of Lucas county, praying the removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Rodgers presented a remonstrance from citizens of Lawrence county, against a removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Rodgers presented a petition from citizens of Scioto county, praying the passage of an act to drain a certain pond in said county; which was referred to Messrs Rodgers and White.

Mr. Utter presented a petition from citizens of Clermont county, praying an act of incorporation for a certain turnpike company; which was referred to Mr. Utter.

Mr. Shannon presented a petition and accompanying papers, from sundry citizens of the State, in relation to the Stillwater navigation and rail road company; which were referred to the standing committee on canals.

Mr. Allen presented a petition from citizens of Delaware county, praying the election of Ezra Griswold, to the office of Associate Judge for the said county; which was referred to the standing committee on privileges and elections.

Mr. Allen presented a petition from citizens of the State praying the construction of a canal to connect the Ohio and Mad river canals; which was referred to the standing committee on canals.

Mr. Bates presented a paper from citizens of Wood county, explanatory of a certain remonstrance against any division of said county; which was referred to the standing committee on new counties.

Mr. Powers presented a petition from citizens of Portage county, praying the passage of a general banking law, and the repeal of the law requiring real estate to be appraised on sale on execution.

On motion of Mr. Powers,

So much of said petition as relates to a general banking law, was referred to the standing committee on the currency, and the remaining part thereof was referred to the standing committee on the judiciary.

Mr. Wade presented a petition from citizens of Trumbull county, in relation to slavery and the slave trade, the right of trial by jury, and other subjects; which was referred to the standing committee on the judiciary.

The Speaker presented a communication from citizens of Washington and Athens counties, in relation to the manner in which signers were obtained to petitions for the erection of the proposed new county of Chester; which was referred to the standing committee on new counties.

Mr. Tod presented a petition from citizens of Trumbull county, praying the passage of a general banking law; which was referred to the standing committee on the currency.

Mr. Holmes presented a remonstrance from citizens of Hamilton county against the incorporation of the merchants and traders' bank of Cincinnati; which was referred to the standing committee on the currency.

Mr. Harlan presented a petition from citizens of the town of Fairfield, in the county of Green, praying an amendment of their charter; which was referred to Mr. Harlan.

Mr. Saylor, on behalf of the majority of the standing committee on



railroads and turnpikes, to whom petitions on that subject had been referred, made the following report; which was laid upon the table.

(See Appendix, I, p. 14.)

Mr. Utter, from the standing committee on claims, reported a bill making appropriations for the payment of J. B. Crist and Benedict Lutz; which was read the first time.

Mr. Shannon, from the select committee on that subject, reported a bill to incorporate the Barusville male academy, in the county of Belmont; which was read the first time.

Mr. Brady, from the select committee on that subject, reported a bill to incorporate Troy city, in the county of Tuscarawas; which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 98.) A bill to incorporate the Wilmington, Port William, Jamestown, and South Charlestown turnpike company;

(S. No. 99.) A bill to incorporate the city of Cleveland, and for revising and repealing all laws heretofore passed on that subject;

(S. No. 100.) A bill to incorporate the proprietors of the Akron rural cemetery;

(H. No. 42.) An act to incorporate the Wellsville and Cleveland McAdamized road company;

(H. No. 136.) An act to revise and amend an act to incorporate the Norwalk and Huron railroad company, passed March 7, 1835;

(H. No. 141.) An act authorizing the corporate authorities of the city of Chillicothe to borrow money for school purposes.

The following bill was read the second time; and

On motion of Mr. Thomas,

Recommitted to the standing committee on canals, to wit:

(H. No. 124.) A bill for the relief of Caleb Imlay.

The following bill was read the second time; and

On motion of Mr. Tod,

Recommitted to the standing committee on the judiciary, to wit:

(H. No. 138.) An act for the appointment of foreign commissioners.

On motion of Mr. Utter,

The memorial of B. Morris was taken up, and referred to the standing committee on the judiciary.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to change the name of Hocking city to that of Coolville;

A bill to incorporate the St. Paris, Elizabethtown, Fletcher, Piqua, and Covington turnpike company.

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to secure laborers of their wages for work done on public works in this State;

A bill to amend the act entitled An act regulating the fees of sheriffs in civil and criminal cases, passed March 13, 1837;

A bill amendatory of an act entitled an act regulating judgments and executions, passed March 1, 1831.

The House has passed a resolution authorizing a survey of a route for a canal to connect the Columbus feeder with the waters of Mad river.

Also, a resolution authorizing the canal commissioners to make a re-survey of the Black Fork of Mohican, and also a survey of the most practicable route for a canal between the basin of the Milan canal at Milan, in the county of Huron, to Truxville, or some other point on the Black Fork of Mohican; to which the concurrence of the Senate is requested.

The Speaker of the House has signed the following enrolled bills, to which the signature of the Speaker of the Senate is also requested, to wit:

An act to divorce Phœbe Dunbar, otherwise called Phœbe Keeler, from her husband, Ananias Dunbar;

An act to incorporate the Clarksville, Cuba, Snowhill, New Lexington and Leesburg turnpike company.

Attest:

W. H. BLODGET, *Clerk*.

The bills from the House were read the first time.

The resolutions from the House were referred to the committee on canals.

On motion of Mr. Tod,

The Senate resolved itself into a committee of the whole, Mr. Stadden in the chair, on the bill (H. No. 127) to create the thirteenth judicial circuit of Ohio, and the same was reported back with one amendment, which was agreed to; and the question being on ordering the bill and amendment to a third reading, Mr. Tod called for the yeas and nays, which were ordered, and were, yeas 23, nays 9, as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Fuller, Holmes, Hostetter, Ihrig, Oliver, Powers, Rogers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Vanmetre, Walton, and Speaker—23.

Nays—Messrs. Cox, Green, Harlan, James, Morris, Smith, Thomas, Wade, and White—9.

So the question was carried, and the bill was ordered to be read the third time on to-morrow.

On motion of Mr. Vanmetre,

The memorial of the Ohio State agricultural society was taken up and referred to the standing committee on finance.

On motion of Mr. Wade,

So much of the unfinished business of the last session as relates to the report of the select committee of the Senate on the petitions of sundry citizens praying the repeal of certain laws restricting the right of persons of color, and the extension of the right of trial by jury, was taken up and referred to the standing committee on the judiciary.

On motion of Mr. Green,

The committee of the whole were discharged from the further consideration of the bill (H. No. 121) to incorporate the Blenden young men's seminary, and the same was taken up, amended, and the amendments ordered to be read a third time, with the bill, on to-morrow, in order to the final passage thereof.

On motion of Mr. Bates,

The Senate took up the bill (S. No. 43) to incorporate the Hancock county hydraulic company.

Mr. Bates moved to amend the bill by striking out all except the enacting clause thereof, and inserting a substitute in lieu thereof.

On motion of Mr. Holmes,

The bill and amendment was laid upon the table.

On motion of Mr. McLaughlin,

The bill for the relief of Hugh Murray was taken up, and the question being on ordering the bill to be engrossed, Mr. Spangler called for the yeas and nays, which were ordered, and were, yeas 15, nays 16, as follows, to wit:

Yeas—Messrs. Allen, Birch, Brady, Cox, Craighill, Green, Holmes, Hostetter, Ihrig, McLaughlin, Shannon, Shideler, Stadden, Wade, and White—15.

Nays—Messrs. Fuller, Harlan, Morris, Oliver, Powers, Rodgers, Smith, Spangler, Saylor, Tod, Thomas, Tracy, Utter, Vanmetre, Walton, and Speaker—16.

So the question was decided in the negative.

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Smith in the chair, on the bill (S. No. 51) to incorporate the commercial insurance company of Cincinnati, and after some time spent therein, the committee rose, reported progress, and asked leave to sit again, which was granted.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to authorize a loan of credit to the Sandy and Beaver canal company;

A bill to incorporate the Chillicothe hook and ladder company;

A bill to authorize the town council of the town of Dayton to borrow money;

A bill to incorporate the Dayton hotel company;



A bill to incorporate the St. Peter's catholic church of Bolivar, in Tuscarawas county;

A bill to repeal an act to provide for the erection of the townships of Sulphur Spring, Pleasant, and Adams, in the county of Seneca;

A bill to incorporate the first presbyterian church of West Carlisle, in Coshocton county;

A bill to amend the act to provide for the partition of real estate.

Attest:

W. H. BLODGET, *Clerk.*

Mr. Harlan gave notice that he would, on to-morrow or some subsequent day of the present session, ask leave to introduce a bill to incorporate the Clifton, Yellow Springs, and Fairfield turnpike road company.

Mr. Tod offered the following resolution, which was agreed to, to wit:

*Resolved*, That the standing committee on finance be instructed to inquire into the expediency of so amending the act entitled *An act prescribing the duties of county auditors*, passed March 14, 1831, as to dispense with the duty on the part of the auditors of forwarding a certified copy of their duplicates of taxes to the Auditor of State.

On motion of Mr. Harlan,

The Senate then adjourned.

Attest:

C. J. McNULTY, *Clerk.*

---

SATURDAY, January 26, 1839.

The Senate met pursuant to adjournment.

Mr. Thompson presented a petition from citizens of Carroll county, praying an act of incorporation for banking purposes; which was referred to the standing committee on the currency.

Mr. Thompson presented a petition from citizens of Carroll county, praying the extension of a certain State road through parts of said county; which was referred to the standing committee on roads and highways.

Mr Spangler presented the annual report of the board of canal fund commissioners; which was laid upon the table.

(See vol. Pub. Doc. No. 39.)

Mr. Harlan presented a petition from citizens of the town of Xenia, in the county of Green, praying an amendment of the charter of said town; which was referred to Mr. Harlan.

Mr. Green presented a petition from citizens of Pickaway county, praying the passage of a free banking law; which was laid upon the table.

Mr. Green presented a petition from citizens of Pickaway county, praying the location of a graded State road from a point near the town

of Circleville, in said county, to the city of Columbus, in Franklin county; which was laid upon the table.

Mr. Walton presented a petition from citizens of Monroe county, praying a special appropriation of the three per cent fund; which was referred to Mr. Walton.

Mr. Wade presented a petition from citizens of Transbail county in relation to the subject of slavery and the slave trade in the District of Columbia, the right of trial by jury, and other subjects; which was referred to the standing committee on the judiciary.

Mr. Shafron presented a remonstrance from citizens of Washington and Athens counties against the erection of the proposed new county of Chester; which was referred to the standing committee on new counties.

Mr. Rodgers presented a remonstrance from citizens of Washington and Athens counties against the erection of the proposed new county of Chester; which was referred to the standing committee on new counties.

Mr. Allen presented a petition from citizens of the State, praying the construction of a canal to connect the Columbus feeder with the Sandusky bay; which was referred to the standing committee on canals.

Mr. Allen presented a petition from citizens of Marion county, praying the passage of an act authorizing them to construct a mill dam across the Scioto river in Marion county; which was referred to Mr. Allen.

Mr. Birch presented the petition and accompanying papers of Zenas Barnum, of Lorain county, praying the passage of an act to grant him a new trial in the case of Barnum vs. Thompson Miles; which were referred to the standing committee on the judiciary.

Mr. Utter, from the standing committee on claims, to which the memorial of Thomas B. Anderson, of Cincinnati, was referred, made the following report, which was agreed to, to wit:

The standing committee on claims, to which was referred the petition of Thomas B. Anderson, of Hamilton county, praying a law to be passed to authorize and require the treasurer of said county to refund to him a certain sum of money which he paid into the treasury for a license as auctioneer in the city of Cincinnati, have had the same under consideration, and now report:

That from the evidence before your committee, they are entirely unable to discover the justice and equity in granting the prayer of the petitioner; and, therefore offer for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and the petitioner have leave to withdraw his petition.

Mr. Cox, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled the following bills, to wit:

An act to incorporate the first congregational church and society of Ridgeville, in the county of Lorain;

An act to incorporate the *Ætna* fire company of Elyria.

Mr. Tod, from the standing committee on the currency, to which had been referred the resolution of the House providing for the printing of the report of the special master commissioner in the matter of the Ohio life and trust company, made the following report, which was agreed to, wit:

The standing committee on the currency, to whom was committed the resolution from the House providing for the printing "of five thousand copies of the report of the special master commissioner in the matter of the Ohio life insurance and trust company, made in 1838," report:

That the delay in acting upon said reference was occasioned by the inability of your committee to procure a copy of said report; that they have examined said report, and do not deem the publication of the same a matter of sufficient importance to incur the expense thereof. Your committee, therefore, recommend the adoption of the following resolution:

*Resolved*, That the further consideration of said resolution be indefinitely postponed.

The resolution was accordingly indefinitely postponed.

Mr. Tracy, from the select committee on the subject, reported a bill to repeal the law incorporating the town of Florence, in the county of Huron; which was read the first time.

Mr. White, from the select committee to which was recommitted the bill to authorize the commissioners of Scioto county to make additional compensation to the contractor who built the court-house in said county, and for other purposes, reported the same back without amendment; and the question being,

"Shall the bill pass?"

It was taken and carried.

Ordered that the title be as aforesaid, and that the concurrence of the House be requested.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 102.) A bill to incorporate the Barnsville male academy, in the county of Belmont;

(S. No. 103.) A bill to incorporate Troy city, in the county of Tuscarawas;

(H. No. 64.) An act to amend an act entitled An act regulating the fees of sheriffs in civil and criminal cases, passed March 13th, 1837;

(H. No. 98.) An act to secure to laborers their wages for work done on public works in this State;

(H. No. 139.) An act amendatory of an act entitled an act regulating judgments and executions, passed March 1, 1834.

The following bill was read the second time; and

On motion of Mr. Spangler,



Ordered to be engrossed for its third reading in order to its final passage on Monday next, to wit:

(S. No. 101.) A bill making appropriations for the payment of Benedict Lutz and J. B. Christ.

The following bills of the House were read the third time and passed, to wit:

An act to incorporate the Blendon young men's seminary;

An act to create the thirteenth judicial circuit in Ohio.

Upon the passage of this bill, the yeas and nays were called, and were, yeas 21, nays 9—as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Craighill, Fuller, Holmes, Hostetter, Ihrig, Oliver, Powers, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Tracy, Vanmeter, Walton, and Speaker—21.

Nays—Messrs. Cox, Green, Harlan, James, Morris, Smith, Thomas, Wade, and White—9.

On motion of Mr. Morris,

The resolution providing for a survey of a route for a canal to connect the Miami canal at or near Dayton with the Columbus Feeder, was taken up, amended, and

On motion of Mr. Green,

Again laid upon the table.

Mr. Fuller moved a reconsideration of the vote taken yesterday, on the engrossment of the bill for the relief of Hugh Murray; which was agreed to.

The question then recurred upon ordering the bill to be engrossed, upon which question, Mr. Utter called for the yeas and nays, which were taken, and were, yeas 18, nays 14; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, McLaughlin, Shannon, Shideler, Stadden, Thomas, Tracy, Wade and White—18.

Nays—Messrs. Harlan, James, Morris, Powers, Rodgers, Smith, Spangler, Saylor, Tod, Thomas, Utter, Vanmeter, Walton, and Speaker—14.

So the question was carried, and the bill was ordered to be engrossed for its third reading in order to its final passage on Monday next.

Mr. White, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the wardens and vestry of all saints' church, Portsmouth, in the county of Scioto; which was read the first time.

Mr. Harlan, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the Fairfield, Yellow Springs and Clifton turnpike road company; which was read the first time.

On motion of Mr. Holmes,

The Senate took up the bill (S. No. 34) to amend the act incorporating the emigrants friend society of Cincinnati; and the same was amended, and

On motion of Mr. Holmes,

Recommitted to the standing committee on schools and school lands.

On motion of Mr. Morris,

The Senate resolved itself into a committee of the whole, Mr. Walton in the chair, on the bill (H. No. 12) to authorize the town council of the town of Newark to open, lay out and widen certain streets and alleys in said town; and the same was reported back without amendment, and ordered to a third reading, in order to its final passage on Monday next.

On motion of Mr. Green,

The resolution providing for the survey of a route for a canal to connect the Miami canal at or near Dayton with the Columbus feeder, was taken up.

Mr. Green moved to amend the same.

Mr. Tod moved to lay the resolution and amendment upon the table; which was agreed to.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills to which the concurrence of the Senate is requested, to wit:

A bill to incorporate the Lancaster and Columbus turnpike road company;

A bill to amend the act entitled An act to incorporate the borough of Ashtabula, passed February 28, 1831;

A bill regulating the fees of constables in civil and criminal cases.

The House has passed a resolution calling upon the directors of the asylum for the education of the deaf and dumb for certain information, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The bills from the House were read the first time.

The resolution from the House was agreed to.

Ordered, that the House be informed thereof.

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Smith in the chair, on the bill to incorporate the commercial insurance company of Cincinnati; and the same was reported back with sundry amendments, which were agreed to.

Mr. Harlan moved the following amendment, to come in at the end of section seven, to wit:

*Provided*, that the liabilities of said company shall in no case exceed — times the amount of capital stock actually paid in and secured to be paid as aforesaid.

Mr. Powers moved to fill the blank in the proposed amendment with the word "ten;" upon which question the yeas and nays were called, and were, yeas 11, nays 21; as follows, to wit:

Yeas—Messrs. Birch, Cox, Craighill, Holmes, Powers, Rodgers, Smith, Shannon, Spangler, Saylor and Speaker—11.

Nays—Messrs. Allen, Bates, Brady, Fuller, Harlan, Hostetter, Ihrig, James, McLaughlin, Morris, Oliver, Stadden, Thompson, Tod, Thomas, Tracy, Utter, Vanmeter, Wade, Walton and White—21.

So the question was lost.

Mr. Tod then moved to fill the blank with the word "five," upon which question the yeas and nays were called, and were, yeas 9, nays 23; as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Fuller, Holmes, Hostetter, Ihrig, Tod and Speaker—9.

Yeas—Messrs. Birch, Brady, Cox, Harlan, James, McLaughlin, Morris, Oliver, Powers, Rodgers, Smith, Shannon, Spangler, Saylor, Stadden, Thompson, Thomas, Tracy, Utter, Vanmeter, Wade, Walton and White—23.

So the question was lost.

Mr. Utter moved to fill the blank with the word "three;" upon which question the yeas and nays were called, and were, yeas 12, nays 20; as follows, to wit:

Yeas—Messrs. Allen, Bates, Hostetter, Ihrig, James, Morris, Tod, Tracy, Utter, Wade, Walton and White—12.

Nays—Messrs. Birch, Brady, Cox, Craighill, Fuller, Harlan, Holmes, McLaughlin, Oliver, Powers, Rodgers, Smith, Shannon, Spangler, Saylor, Stadden, Thompson, Thomas, Vanmeter, and Speaker—20.

So the question was lost.

Mr. Thompson moved to amend the amendment, so as to make it read "twice the amount," &c. upon which question the yeas and nays were called, and were, yeas 14, nays 18; as follows, to wit:

Yeas—Messrs. Brady, Cox, Hostetter, Ihrig, James, McLaughlin, Morris, Thompson, Tod, Tracy, Utter, Wade, Walton and White—14.

Nays—Messrs. Allen, Bates, Birch, Craighill, Fuller, Harlan, Holmes, Oliver, Powers, Rodgers, Smith, Shannon, Spangler, Saylor, Stadden, Thomas, Vanmeter and Speaker—18.

So the question was lost.

Mr. Harlan moved to amend the amendment, by striking out the word "times;" upon which question the yeas and nays were called, and were, yeas 13, nays 18; as follows, to wit:

Yeas—Messrs. Allen, Cox, Harlan, Hostetter, James, McLaughlin, Oliver, Thompson, Tod, Tracy, Wade, Walton and White—13.

Nays—Messrs. Bates, Birch, Craighill, Fuller, Holmes, Ihrig, Morris, Powers, Rodgers, Smith, Shannon, Spangler, Saylor, Stadden, Thomas, Utter, Vanmeter and Speaker—18.

So the question was lost.

Mr. Allen moved that the further consideration of the bill be indefinitely postponed, upon which question the yeas and nays were called, and were, yeas 10, nays 21, as follows, to wit:

Yeas—Messrs. Allen, Oliver, Smith, Shannon, Stadden, Thompson, Utter, Wade, Walton, and White—10.

Nays—Messrs. Bates, Birch, Cox, Craighill, Fuller, Harlan, Holmes, Hostetter, Ihrig, James, McLaughlin, Morris, Powers, Rodgers, Spangler, Saylor, Tod, Thomas, Tracy, Vanmeter, and Speaker—21.

Mr. Harlan then moved to amend the amendment by filling the blank with the word "twelve;" upon which question the yeas and nays were called, and were, yeas 6, nays 25, as follows, to wit:



Yeas—Messrs. Birch, Craighill, Harlan, Powers, Rodgers, and Smith—6.

Nays—Messrs. Allen, Bates, Cox, Fuller, Holmes, Hostetter, Ihrig, James, McLaughlin, Morris, Oliver, Shannon, Spangler, Saylor, Stadden, Thompson, Tod, Thomas, Tracy, Utter, Vanmetre, Wade, Walton, White, and Speaker—25.

So the question was lost.

The question then recurred upon agreeing to the amendment, which was taken and lost.

Mr. Tracy moved to amend the bill in the sixteenth section by adding at the end thereof the following proviso, to wit:

Provided, That said company shall not establish any agency out of the county of Hamilton; upon which question Mr. Tracy called for the yeas and nays; which were ordered, and were, yeas 13, nays 18, as follows, to wit:

Yeas—Messrs. Bates, Cox, Euller, James, Morris, Stadden, Thompson, Tracy, Utter, Vanmetre, Wade, Walton, White—13.

Nays—Messrs. Allen, Brady, Craighill, Harlan, Holmes, Hostetter, Ihrig, McLaughlin, Oliver, Powers, Rodgers, Smith, Shannon, Spangler, Saylor, Tod, Thomas, Speaker—18.

So the question was lost.

The question then recurred upon ordering the bill to be engrossed; upon which question the yeas and nays were called, and were, yeas 11, nays 20, as follows, to wit:

Yeas—Messrs. Allen, Birch, Craighill, Fuller, Holmes, Ihrig, McLaughlin, Shannon, Spangler, Saylor, and Speaker—11.

Nays—Messrs. Bates, Cox, Harlan, Hostetter, James, Morris, Oliver, Powers, Rodgers, Smith, Stadden, Thomas, Tod, Thomas, Tracy, Utter, Vanmetre, Wade, Walton, and White—20.

So the question was decided in the negative.

Mr. Thompson offered the following resolution, to wit:

Whereas the banks of this State are generally in the habit of deducting all losses and expenses from the profits of the bank in each and every year, and the remainder, after these deductions are made, are called dividends; and

Whereas on these dividends alone (allowable to the construction put upon our present laws) the banks are compelled to pay a tax to the State for the support of the Government, thereby rendering the income to the treasury doubtful and uncertain from that quarter; and Whereas by these means the State is indirectly made to contribute from her funds, actually due to the treasury, to the expenditures and losses which may be sustained by these individual corporations: while, at the same time, farmers, merchants, and all other tax payers pay into the treasury in proportion to the amount of property owned or capital employed. Therefore,

*Resolved*, That the committee on the currency be instructed to report a bill to this Senate at the earliest day possible, regulating the mode of levying and collecting taxes from banks, insurance and bridge companies, so that the capital stock of all such institutions shall pay in proportion with all other taxable property in this State.

On motion of Mr. Thomas.

The resolution was laid upon the table.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to authorize free banking in the State of Ohio;

A bill to authorize and empower the mayor and town council of the town of Felicity, in the county of Clermont, to change the corporate limits of said town into a road district;

A bill to incorporate the Union turnpike road company;

A bill to provide for the construction of a canal in the valley of One Leg and Connotton creeks;

A bill to punish certain crimes therein named;

A bill appointing commissioners for the State road leading from Painesville, in the county of Geauga, to Bloomfield, in the county of Trumbull;

A bill to suspend for one year the act entitled An act to authorize a loan of credit by the State of Ohio to railroad companies, and to authorize subscriptions by the State to the capital stock of turnpike, canal, and slackwater navigation companies, passed March 24, 1837;

A bill to authorize the holding a special court in the county of Cuyahoga;

A bill to amend an act entitled An act for granting licenses in certain cases, passed March 14, 1831;

A bill to provide for the more effectual punishment of certain offences in the county of Montgomery;

A bill to incorporate the associate reformed congregation of Martinsburg, in Knox county;

A bill to authorize the commissioners of Highland county to borrow money and subscribe the same to turnpike roads, &c.

The House has disagreed to the amendments of the Senate to the following bill of the House, to wit:

A bill to create the thirteenth judicial circuit in Ohio.

The House has passed the following bill, to which the concurrence of the Senate is requested, to wit:

A bill to incorporate the Western Reserve teachers' seminary.

The House has agreed to the amendments of the Senate to the bill of the House to incorporate the Blenden young men's seminary.

Attest,

W. H. BLODGET, *Clerk*.

The bill from the House was read the first time.

On motion of Mr. Bates,

The Senate insisted upon their amendments to House bill No. 127, to which the House had disagreed.

The following message was received from his excellency the Governor by the hands of John Dunham, Esq. his private secretary:

EXECUTIVE OFFICE, OHIO,  
Columbus, January 26, 1839.

*To the General Assembly of the State of Ohio:*

GENTLEMEN: I herewith transmit to you a communication from the Hon. James T. Morehead, and the Hon. J. Speed Smith, Commissioners appointed by the State of Kentucky, under resolutions passed by the Legislature of that State, January 4th, 1839, a copy of which has been heretofore transmitted to your honorable body. Having but one copy of the communication, it is sent to the Senate.

WILSON SHANNON.

On motion of Mr. Spangler,

The communication from the commissioners of the State of Kentucky was laid upon the table.

(See vol. Pub. Doc. No. 37.)

Mr. James gave notice that on Monday next he would ask leave to introduce a bill to amend the act passed 9th March, 1838, entitled An act to incorporate the Dayton and Bellefontaine turnpike road company.

On motion of Mr. Tod,

The Senate adjourned until Monday morning, 10 o'clock.

Attest,

C. J. McNULTY, *Clerk.*

MONDAY, January 28, 1839.

The Senate met pursuant to adjournment.

Mr. Allen presented a petition from citizens of the State, praying the construction of a canal to connect Mad river with the Columbus feeder; which was referred to the standing committee on canals.

Mr. Bates presented sundry petitions from citizens of Lucas county, praying the removal of the seat of justice of said county; which were referred to the standing committee on new counties.

Mr. Bates presented petitions from citizens of Putnam county, praying the passage of a law authorizing Christian Huber and Abraham Hardin to erect a mill-dam across Blanchard's fork of the river Auglaize; which were referred to the standing committee on the judiciary.

Mr. Bates presented a remonstrance from citizens of Putnam county against the passage of a law to authorize C. Huber and A. Hardin to erect a mill-dam across Blanchard's fork of the Auglaize river; which was referred to the standing committee on the judiciary.

Mr. Bates presented a petition from citizens of Perrysburg, in the county of Wood, praying an act of incorporation for the Perrysburg steam-mill company; which was referred to Mr. Bates.

Mr. Bates presented a petition from citizens of the State, praying



the construction of a railroad from Maumee city to the southern boundary line of the State of Michigan; which was referred to the standing committee on railroads and turnpikes.

Mr. Bates presented a petition from citizens of Perrysburg, in Wood county, praying the incorporation of fire company, No. 1, in said town; which was referred to Mr. Bates.

Mr. Hostetter presented a petition from the Stark county educational association in relation to the distribution of the Ohio Common School Director; which was referred to the standing committee on schools and school lands.

Mr. Wade presented a petition from citizens of the county of Ash-tabula, praying the repeal of the internal improvement law; which was laid upon the table.

Mr. Wade presented petitions from citizens of Trumbull county, in relation to the subject of slavery and the slave trade, the right of trial by jury and other matters; which were referred to the standing committee on the judiciary.

Mr. McLaughlin, on leave, presented a petition and accompanying papers from certain citizens of Richland county, praying relief from a certain recognizance into which they had entered for the appearance of W. C. Harrison of said county; which were referred to the standing committee on the judiciary.

Mr. Fuller presented sundry petitions from citizens of the county of Cuyahoga, praying the passage of a general banking law; which were laid upon the table.

Mr. Fuller presented a petition from citizens of Cuyahoga county, praying the passage of a general banking law, and the amendment of the law relating to mortgages.

On motion of Mr. Fuller,

So much of said petition as relates to the amendment of the mortgage law was referred to the standing committee on the judiciary, and the remaining part thereof was laid upon the table.

Mr. Thomas presented a petition from citizens of Miami county, praying a modification of the laws restraining the rights of persons of color, the extension of the right of trial by jury, and against acceding to the request of the people of Kentucky for further enactments to secure their slave property; which was referred to the standing committee on the judiciary.

Mr. James presented petitions from citizens of Logan county, praying the survey of a canal to connect the Mad river feeder to the Miami canal with the Columbus feeder; which were referred to the standing committee on canals.

Mr. Rodgers presented a petition from citizens of Scioto and Lawrence counties, praying the extension of the Portsmouth and Hanging Rock turnpike road; which was referred to the standing committee on railroads and turnpikes.

Mr. Fuller, from the standing committee on schools and school lands, to which petitions on that subject had been referred, reported a bill to

provide for the sale of section sixteen, in Falls township in the county of Hocking; which was read the first time.

Mr. Stadden, from the standing committee on the penitentiary, to which was recommitted the bill to amend the act to provide for carrying into effect the act for the punishment of crimes, passed Feb. 26th, 1835, reported the same back with sundry amendments.

On Motion of Mr. Cox,

The bill and amendments were committed to a committee of the whole Senate, and made the order of the day for this day.

Mr. Tod, from the standing committee on the currency, made the following report, which was agreed to, to wit:

The currency committee, to whom was referred the petition of the directors and stockholders of the Mechanics and Trader's bank of Cincinnati, asking for an act of incorporation, and also, a petition and a remonstrance from sundry citizens of Cincinnati, upon the same subject, for report, recommend the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petition.

Mr. Utter, from the select committee on that subject, reported a bill to incorporate the Moscow and Williamsburg turnpike road company; which was read the first time.

Mr. Utter, from the select committee on that subject, reported a bill to provide for the erection of a bridge in Clermont county; which was read the first time.

Mr. Bates, from the select committee on that subject, reported a bill incorporate fire company, No. 1, in the town of Perrysburg; which was read the first time.

Mr. Bates, from the select committee on that subject, reported a bill to incorporate the Perrysburg steam mill company; which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 104.) A bill to repeal the law incorporating the town of Florence in Huron county;

(S. No. 105.) A bill to incorporate the wardens and vestry of all-saints' church, Portsmouth, in the county of Scioto;

(S. No. 106.) A bill to incorporate the Fairfield, Yellow Springs, and Clifton turnpike road company;

(H. No. 143.) An act to amend the act entitled "An act to incorporate the borough of Ashland," passed Feb. 28th, 1831;

(H. No. 131.) An act to incorporate the Western Reserve teachers' seminary.

The following bill was read the second time, and,

On motion of Mr. Tod,

Recommitted to the standing committee on the judiciary, to wit:  
(H. No. 36.) An act regulating the fees of constables in civil and criminal cases.

The following bill was read the second time, and,

On motion of Mr. T61,

Recommitted to the standing committee on railroads and turnpikes, to wit:

(H. No. 137.) An act to incorporate the Lancaster and Columbus turnpike road company.

The following bills of the Senate were read the third time and passed, to wit:

An act for the relief of Ethan Stone;

An act for the relief of Hugh Murray.

On the question,

Shall this bill pass?

Mr. Utter called for the yeas and nays, which were ordered, and were, yeas 17, nays 12; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Cox, Craighill, Fuller, Holmes, Hostetter, Ihrig, McLaughlin, Shannon, Shideler, Stadden, Tracy, Wade and White—17.

Nays—Messrs. Harlan, Morris, Powers, Rodgers, Smith, Spangler, Saylor, Tod, Thomas, Utter, Vanmeter and Speaker—12.

So the question was decided in the affirmative.

Ordered, that the titles be as aforesaid, and that the concurrence of the House be requested.

The following bill of the House was read the third time, and

On motion of Mr. Morris,

Recommitted to the standing committee on the judiciary, to wit:

(H. No. 12.) An act to authorize the town council of the town of Newark to open, lay out and widen certain streets and alleys in said town.

Mr. Smith moved to amend the standing rules of the Senate, by adding at the end of the 34th rule, the following, which was agreed to, to wit:

The first reading of each bill shall be by its title only, unless its reading be called for by a member of the Senate.

On motion of Mr. Ihrig,

The Senate resolved itself into a committee of the whole, Mr. Allen in the chair, on the bill (S. No. 52) to incorporate the Middlebury silk and beet sugar company, in the county of Portage, and the same was reported back without amendment, and

On motion of Mr. Spangler,

Recommitted to the standing committee on agriculture, commerce and manufactures.

On motion of Mr. Allen,

The Senate again resolved itself into a committee of the whole, Mr. Shannon in the chair, on the bill (S. No. 53) to incorporate the Aurora academical association, in the county of Portage; and the same was reported back with two amendments.



The first amendment of the committee of the whole was agreed to.

The second amendment of the committee was as follows, to wit:

Sec. 4. That any future legislature may alter, amend, or repeal this act: *Provided*, such alteration, amendment or repeal, shall in nowise affect the right to any property acquired or conveyed under its provisions.

Mr. Thomas moved to amend this amendment, by adding at the end thereof, to wit:

Or prevent the directors from continuing their school.

Upon this question the yeas and nays were called, and were, yeas 4, nays 27; as follows, to wit:

Yeas—Messrs. Fuller, Powers, Thomas and Tracy—4.

Nays—Messrs. Allen, Birch, Brady, Cox, Craighill, Green, Harlan, Holmes, Hostetter, Ihrig, James, McLaughlin, Morris, Oliver, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Varmeter, Wade, White and Speaker—27.

So the question was lost.

The question then recurred upon agreeing to the amendment of the committee of the whole, which was taken and carried.

The bill as amended was then ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

Mr. Holmes gave notice that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the mechanics and traders' bank of Cincinnati.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill to which the concurrence of the Senate is requested, to wit:

A bill to incorporate the first universalian religious library society of Harmar.

The House has passed the following bill of the Senate with sundry amendments, to which the concurrence of the Senate is requested, to wit:

A bill to revive and amend an act entitled An act to incorporate the Circleville and Washington turnpike company.

Attest,

W. H. BLODGET, Clerk.

The bill from the House was read the first time.

The second amendment of the House to the bill of the Senate No. 10, was amended and agreed to.

The third and fourth amendments were amended and agreed to.

The remaining amendments of the House were disagreed to.

On the question of agreeing to the eighth amendment of the House, which was in the following words:

Sec. 6, line 7, strike out "either of said counties," and insert "said county,"

Mr. Tod called for the yeas and nays, which were ordered, and were, yeas 11, nays 21; as follow, to wit:

**Yeas**—Messrs. Allen, Bates, Craighill, Hostetter, Ihrig, Shannon, Stadden, Thompson, Tod, Utter and Walton—11.

**Nays**—Messrs. Cox, Fuller, Green, Harlan, Holmes, James, McLaughlin, Morris, Oliver, Powers, Rodgers, Smith, Spangler, Saylor, Shideler, Thomas, Tracy, Vannatter, Wade, White and Speaker—21.

So the question was lost.

Ordered, that the House be informed thereof.

Mr. Powers, pursuant to previous notice, asked and obtained leave, and introduced a bill to authorize the commissioners of Portage county to borrow money; which was read the first time.

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Powers in the chair, on the bill (S. No. 64) to incorporate the directors of the literary and botanico medical college of Ohio; and the same was reported back without amendment, amended, and

On motion of Mr. Green,

Laid upon the table.

A message from the House of Representatives.

**Mr. Speaker:**

The following bills have been reported to the House and read the first time, to wit:

A bill to amend the act in addition to the act for the preservation and repair of the national road;

A bill relating to the management and sale of certain canal lands of the State of Ohio;

A bill for the disposition of unclaimed fines;

A bill to incorporate the Findley rail road company;

A bill to authorize the sale of school lands in Wilksville township, in Gallia county;

A bill for the relief of Stephen Richards and James Philips;

A bill for the relief of Robert Willet;

A bill to authorize county surveyors in certain cases to survey lands and town lots without the county.

The Speaker of the House has signed the following enrolled bills to which the signature of the Speaker of the Senate is also requested:

An act to incorporate the first congregational church and society of Ridgeville, in the county of Lorain;

An act to incorporate the Etua fire company of Elyria.

Attest,

W. H. BLODGET, *Clerk.*

**Thereupon,**

The Speaker of the Senate signed the enrolled bills from the House.

On motion of Mr. Saylor,

The Senate resolved itself into a committee of the whole, Mr. Hostetter in the chair, on the bill (S. No. 65) to divorce Louisa Kirsch from her husband Christian Kirsch; and the same was reported back

without amendment and ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

On motion of Mr. Holmes,

The Senate again resolved itself into a committee of the whole, Mr. Wade in the chair, on the bill (S. No. 66) to authorize Lucius W. Lef-fingwell to sell certain land of his minor children; and the same was reported back with one amendment.

On motion of Mr. Tod,

The bill was recommitted to the committee that reported it.

Mr. Utter offered the following resolution, to wit:

*Resolved*, That the committee on finance be instructed to report a bill providing for a revaluation of taxable property in this State, so as to provide that all property shall be assessed at its real value in money, as appraisements are made under judicial proceedings.

On motion of Mr. Spangler,

The resolution was laid upon the table.

On motion of Mr. Saylor,

The Senate then adjourned.

Attest,

C. J. M'NULTY, *Clerk.*

TUESDAY, *January 29, 1839.*

The Senate met pursuant to adjournment.

Mr. Allen presented a petition from citizens of the State, praying the construction of a canal to connect the Mad river feeder to the Columbus feeder; which was referred to the standing committee on canals.

Mr. Powers presented a petition from citizens of Portage county, praying the repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. Green presented a petition from citizens of Pickaway county, praying the repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. Green presented a petition from citizens of Pickaway county, praying the passage of a general banking law; which was laid upon the able.

Mr. Wade presented petitions from citizens of Trumbull county, in relation to slavery and the slave trade, the rights of persons of color, and other subjects; which were referred to the standing committee on the judiciary.

Mr. Holmes presented a petition from citizens of the town of Madisonville in the county of Hamilton, praying an act of incorporation; which was referred to Mr. Holmes.

Mr. Bates presented petitions from citizens of Hardin county, praying the passage of an act authorizing the commissioners of said coun-



ty to subscribe to the capital stock of the Mad river and lake Erie railroad company; which were laid upon the table.

Mr. Bates presented a petition from citizens of Lucas county, praying the extension of the western reserve road to the State line, via Sylvania; which was referred to the standing committee on railroads and turnpikes.

Mr. Bates presented sundry affidavits of citizens of Henry, Wood, and Lucas counties, in relation to the petitions for the erection of the proposed new county of Beaver; which were laid upon the table.

Mr. Harlan, from the standing committee on schools and school lands, to which petitions on that subject had been referred, reported a bill to provide for the revaluation and sale of a part of school section sixteen in Greene county; which was read the first time.

Mr. Fuller, from the standing committee on schools and school lands, to which was recommitted the bill, (S. No. 34.) to amend the act incorporating the emigrant's friend society of Cincinnati, reported the same back without amendment and recommended the passage thereof.

On motion of Mr. Harlan,

The bill was laid upon the table.

Mr. Oliver, from the standing committee on agriculture, commerce and manufactures, to which was recommitted the bill, (S. No. 41,) to incorporate the Norwalk silk manufacturing company, reported the same back with sundry amendments; which were agreed to, and the bill was ordered to be engrossed for its third reading in order to its final passage on to-morrow.

Mr. Oliver, from the standing committee on agriculture, commerce and manufactures, to which was recommitted the bill, (S. No. 52,) to incorporate the Middleberry silk and beet sugar company in the county of Portage, reported the same back with two amendments.

The first amendment of the committee was agreed to. The second amendment was in the following words, to wit: add as sec. 6,

"That the stockholders shall be liable jointly and severally, in their individual capacities, for the debts of the company after the assets of the corporation are exhausted."

Upon agreeing to this amendment, Mr. Tod called for the yeas and nays, which were ordered, and were, yeas 25, nays 7; as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Cox, Craighill, Fuller, Holmes, Hostetter, Ibrig, McLaughlin, Morris, Oliver, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Thomas, Utter, Vanmeter, White, and Speaker—25.

Nays—Messrs. Birch, Green, James, Powers, Smith, Tracy, and Wade—7.

So the question was carried.

The question then recurred upon ordering the bill to be engrossed for its third reading, upon which question the yeas and nays were called, and were, yeas 28, nays 5; as follows, to wit:

Yeas—Messrs. Allen, Birch, Brady, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, McLaughlin, Morris, Oliver, Powers, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Tracy, Vanmeter, Wade, White, and Speaker—28.

Nays—Messrs. Bates, James, Thompson, Thomas, and Utter—5.

So the question was carried, and the bill was ordered to be read a third time on to-morrow.

Mr. Smith, from the standing committee on the judiciary, made the following report, which was agreed to, to wit:

The standing committee on the judiciary to which was referred the memorial of William Cowan, John Chapel, Richard Gurthery, John Porter and other citizens of the county of Richland, praying that the said Cowan, Chapel, Gurthery and Porter may be discharged from the obligations of a certain recognizance entered into by them to the State of Ohio; have examined the subject and submit the following report:

On the 17th day of August, eighteen hundred and thirty-eight, the memorialists above named, together with one William C. Harrison, personally appeared before one Thomas Andrews, a justice of the peace within and for the county of Richland, and jointly and severally acknowledged to owe the State of Ohio, the sum of four hundred dollars, in the usual form, conditioned that the said William C. Harrison should personally appear before the court of common pleas on the first day of the term next thereafter to be holden, in the county of Richland, to answer to a charge for administering certain drugs, medicines and other substances, to one Harriet Lowe, a pregnant woman, and for using certain instruments and other means, with intent thereby to procure the miscarriage of said woman, when the same was not necessary to preserve her life, &c. It further appears, that at the November term of the court of common pleas within and for said county, in the year 1838, said Harrison having failed to appear and answer to said charge, his recognizance, together with that of his securities, was forfeited. It is stated in the memorial, that said Harrison has absconded to parts unknown to the memorialists, that his securities have used every means in their power to procure the appearance of said Harrison, and to ascertain where he is; and that it is their opinion that he never will make his appearance in those parts again. On these grounds they ask relief.

No testimony aside from the memorial, has been presented to your committee, showing the exertions used, or efforts made by the memorialists to procure the appearance of Harrison at the term of the court to which he was recognized to appear. But allowing full credit to the allegations of the petition in this respect, and the committee are not disposed to question their correctness, we have not been able to discover any thing in the facts of this case, which would make it differ from many other cases of real or apparent hardship. The object of a recognizance is to secure the appearance of persons charged with a violation of the criminal laws of the State; and the circumstances should address

themselves with peculiar force to the legislature, to warrant that body to interfere and impair that security. If the General Assembly should in this case, grant the relief prayed for, your committee believe that it would open a wide door for special legislation; and that the precedent thus adopted, would be one of an unsafe character.

The committee therefore recommend the adoption of the following resolution:

*Resolved*, That the prayer of the memorialists ought not to be granted, and that they have leave to withdraw their papers.

Mr. Smith, from the standing committee on the judiciary, made the following report; which was agreed to, to wit:

The standing committee on the judiciary, to which was referred the petition of Zenus Barnum of the county of Lorain, praying the passage of an act granting him a new trial in a certain cause recently determined in the court of common pleas within and for the county of Lorain, wherein said Barnum was plaintiff, and one Thompson Miles was defendant; have examined the subject, and submit the following report:

The petitioner states that on the 5th of August, 1836, he having a just claim against one Thompson Miles of Elyria, in the county of Lorain, amounting to about the sum of forty dollars, placed the same in the hands of one E. Parker for collection; that by consent of parties an amicable suit was joined before Schuyler Putnam, then an acting justice of the peace, and the 12th of August was fixed as the time of trial. On that day both parties appeared by counsel, and the counsel for petitioner moved for an adjournment of the trial for the want of certain testimony which he considered material; the justice refused an adjournment, and petitioner's counsel not being prepared with testimony, a judgment of nonsuit was rendered against the petitioner, from which judgment he appealed to the court of common pleas, and entered the same, which was continued from term to term, until August term 1836, when petitioner's attorney entered a nonsuit in said action. That on the 27th of March, 1837, he commenced a new action before said justice Putnam, and at the return day of the writ, the defendant appeared and plead a former adjudication in bar, and judgment was entered in said cause, by said justice, against the petitioner by nonsuit; from which judgment he appealed, entered the same in the court of common pleas, and the same was regularly continued, until November term, 1838, when it came on to be heard on a plea in bar, of a former adjudication of the merits of the same cause, and replication denying that it had been tried upon the merits, and alleging that it was a judgment of nonsuit, appealed from as before stated, and nonsuit entered in the common pleas. The judgment of the court was that the former adjudication was a bar, and judgment was rendered against the petitioner for the costs of suit.

The foregoing is the substance of the allegations contained in the petition. To sustain them, an authenticated transcript of the record of



the court of common pleas in the case of *Barnum vs. Miles*, and sundry other documents are produced.

The committee are of the opinion that the impropriety of legislative interference in this matter, is very manifest. The question whether the former judgment was merely a judgment of *non suit*, or one in which the merits of the controversy were tried and determined, was purely a judicial question. The question was tried and determined against the petitioner. If the court of common pleas erred in that decision, the plaintiff in the cause and petitioner here, had full and ample remedy, by writ of error to the supreme court. If the facts of the case did not appear of record, he had it in his power to present them in a bill of exceptions and have that bill made part of the record.

It is not consistent with the genius and policy of our institutions, that the legislative department of the government should sit as a high court of error and reverse the proceedings of the judicial tribunals, in cases solely within the jurisdiction of those tribunals. Once admit the correctness of the principle; and it is not difficult to perceive, that the period would not be distant before our tables would be crowded with similar applications from persons who have suffered, what they suppose to be injuries. The committee are therefore unanimously of the opinion that the relief asked for in this case ought not to be granted.

They therefore recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petitioner ought not to be granted, and that he have leave to withdraw his petition and accompanying documents.

Mr. Tod, from the standing committee on the judiciary, made the following report, to wit:

The judiciary committee to whom was referred bill of the House, No. 59, "A bill to allow juries before justices of the peace"—have had the same under consideration, and report:

That your committee do not concur in opinion as to the expediency of this measure—but believing the subject to be one of importance, and wishing to leave each member of the committee untrammelled as to his future action upon the bill, they report the same back for the consideration of the Senate, without amendment.

On motion of Mr. Tod,

The bill was committed to a committee of the whole Senate, and made the order of the day for this day.

Mr. Tod, from the standing committee on the judiciary, made the following report, to wit:

The judiciary committee, to whom was referred House bill No. 48, a bill to divorce Mary Ellen Inskip from her husband William H. Inskip, having considered the same, report:

That the petitioner asks for the relief for the following causes:

1st. That her husband has wilfully abandoned her, and for the last three years has entirely omitted to provide for her support.

2d. That her husband now is, and has been for more than three years last past an habitual drunkard.

3d. That he has repeatedly treated her with extreme cruelty.

The evidence accompanying the petition is such as to satisfy your committee of the truth of the allegations in the petition set forth; and as the establishment of either fact, upon a petition filed in the supreme court, would entitle the petitioner to the relief prayed for, your committee, for the reasons set forth, at length, in a report made by your committee, at an early day of the present session, recommend the adoption of the following resolution.

*Resolved*, That the further consideration of said bill be indefinitely postponed, and that the petitioner have leave to withdraw her petition.

On motion of Mr. Shannon,

The bill and report were laid upon the table.

Mr. Walton, from the standing committee on the judiciary, to which had been recommitted the bill, (H. No. 12,) to authorize the town council of the town of Newark to open, lay out and widen certain streets and alleys in said town, reported the same back without amendment and recommended the passage thereof.

And the question being,

Shall the bill pass?

It was taken and carried.

Ordered that the title be as aforesaid, and that the House be informed thereof.

Mr. Tod, from the standing committee on the judiciary, to which the bill, (H. No. 32,) to divorce William Mankins from his wife, Mahala Mankins, was recommitted, made following report, to wit:

The standing committee on the judiciary, to whom was referred House bill No. 32, to divorce William Mankins from his wife, Mahala Mankins, report:

That from the petition, and the evidence accompanying the same, the committee gather the following state of facts: That the parties were joined in marriage in December, 1834; that the petitioner at the time was of the age of 17 years, and the said Mahala about twenty-eight; that their acquaintance had been but a few weeks; that the petitioner left his then residence, (Columbiana county,) and was married in the state of Pennsylvania; that he returned in a few hours after his marriage to the residence of his father, where he ascertained that he had not only married a *wife*, but that he was also a father to two children, being the *only* fruits of his wife's state of single blessedness; that he then immediately left her, and has not since their marriage ever enjoyed her.

Your committee doubt the jurisdiction of the supreme court in the case as made by the petitioner, and believing that the senate have acted favorably upon an application possessing no more merit than the one

now under consideration, they report the bill back without amendment.

The question then being on ordering the bill to a third reading,

Mr. Spangler moved the indefinite postponement of the bill; upon which question, the yeas and nays were called, and were—yeas 15, nays 19—as follows, to wit:

Yeas—Messrs. Cox, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Spangler, Saylor, Thomas, Utter, Vanmetre, Walton and Speaker—15.

Nays—Messrs. Allen, Bates, Birch, Brady, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, McLaughlin, Shannon, Shideler, Stadden, Thompson, Tod, Tracy, Wade and White—19.

So the question was lost.

The question then turned upon ordering the bill to a third reading; upon which question the yeas and nays were called, and were—yeas 19, nays 15—as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, McLaughlin, Shannon, Shideler, Stadden, Thompson, Tod, Tracy, Wade and White—19.

Nays—Messrs. Cox, Harlan, Morris, Oliver, Powers, Rodgers, Smith, Spangler, Saylor, Thomas, Utter, Walton and Speaker—15.

So the question was carried, and the bill was ordered to be read a third time on to-morrow.

Mr. Tod, from the standing committee on the currency, to which was recommitted the bill (H. No. 83) to prohibit the establishment within this state, of any branch, office or agency of the United States Bank of Pennsylvania, or any other bank or corporation incorporated by the laws of any other state, or by the laws of the United States, and for other purposes, made the following report, to wit:

The currency committee, to whom was referred house bill No. 83, a bill to prohibit the establishment within this state of any branch, office or agency of the United States Bank of Pennsylvania, or any other bank or corporation incorporated by the laws of any other state, or by the laws of the United States, and for other purposes, having duly considered the same, report the same back without amendment, and a majority of your committee recommend its passage.

On motion of Mr. Tod,

The bill was committed to a committee of the whole senate, and made the order of the day for this day.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 138) for the appointment of foreign commissioners, reported the same back with sundry amendments.

On motion of Mr. Walton,

The bill and amendments were committed to a committee of the whole senate, and made the order of the day for this day.

Mr. White, from the standing committee on enrollment, reported



that said committee had deposited in the office of the secretary of state, and taken his receipt for the following enrolled acts, to wit:

An act to appoint a commissioner of the canal fund;

An act to carry into effect a contract made by the adjutant general, with Capt. S. Cooper of the United States army;

An act to incorporate the town of Mason, in the county of Warren;

An act to incorporate the Clarksville, Cuba, Snowhill, New Lexington and Leesburg turnpike company;

An act to divorce Phœbe Dunbar, otherwise called Phœbe Keeler, from her husband, Ananias Dunbar;

An act to incorporate the Etna fire company of Elyria;

An act to incorporate the first congregational church and society of Ridgeville, in the county of Lorain.

The following bills were severally read the second time, committed to a committee of the whole senate, and made the order of the day for this day, to wit:

(S. No. 107.) A bill to incorporate the fire company No. 1, in the town of Perrysburg;

(S. No. 108.) A bill to provide for the sale of section sixteen, in Falls township, in the county of Hocking;

(S. No. 109.) A bill to incorporate the Moscow and Williamsburg turnpike road company;

(S. No. 110.) A bill to incorporate the Perrysburg steam mill company;

(S. No. 111.) A bill to provide for the erection of a bridge in Clermont county;

(S. No. 112.) A bill to authorize the commissioners of Portage county to borrow money;

(H. No 104.) An act to incorporate the first universalian religious library society of Harmar.

The following bills of the senate were read the third time and passed, to wit:

An act to incorporate the Aurora academical association, in the county of Portage;

An act to divorce Louisa Kirsch, from her husband, Christian Kirsch.

Ordered, that the titles be as aforesaid, and that the concurrence of the house be requested.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill to which the concurrence of the Senate is requested:

A bill providing for the appointment of a board of bank commissioners, and for the regulation of banks within the state of Ohio.

Attest,

W. H. BLODGET, Clerk.

The bill from the House was read the first time.

Mr. Green offered the following resolution; which was agreed to, to wit:

*Resolved*, That the standing committee on the judiciary be instructed to inquire what, if any, amendments are necessary to the act entitled, an act relating to wills, passed February 18, 1831.

Mr. Walton, on leave, presented a petition from Robert Reed, of Clark county, praying for certain relief; which was referred to the standing committee on the judiciary.

On motion of Mr. Spangler,

The senate took up the resolution instructing the standing committee on finance, to introduce a bill to provide for a revaluation of the taxable property of this state.

On the question of agreeing to the resolution,

Mr. Spangler called for the yeas and nays, which were ordered, and were—yeas 22 nays 12—as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, James, Powers, Rodgers, Smith, Saylor, Stadden, Thomas, Tracy, Utter, Vanmetre, Wade, White and Speaker—22.

Nays—Messrs. Brady, Cox, Ihrig, McLaughlin, Morris, Oliver, Shannon, Spangler, Shideler, Thompson, Tod and Walton—12.

So the resolution was agreed to.

Mr. Walton, gave notice, that on to-morrow or on some subsequent day of the present session, he should ask leave to introduce a bill to incorporate the Woodsfield lyceum.

Mr. Walton gave notice, that on to-morrow or on some subsequent day of the present session, he should ask leave to introduce a bill to incorporate the Monroe academical association.

A message from the House of Representatives.

Mr. Speaker.

The following bill has been introduced, and read the first time, to wit:

A bill to incorporate the Perrysburg lyceum.

Attest, W. H. BLODGET, *Clerk*.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the bill of the Senate for the relief of jurors in certain cases, with one amendment, in which they request the concurrence of the Senate.

Attest, W. H. BLODGET, *Clerk*.

On motion of Mr. Thomas,

The bill and amendment were laid upon the table.

Mr. Holmes gave notice, that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to amend an act entitled An act to incorporate the Cincinnati and Whitewater canal company.

A message from the House of Representatives.

Mr. Speaker:

The House has passed a resolution authorizing the canal commissioners to make a survey, &c. of the Fairhaven, Rutland, and Athens turnpike road, &c., in which they request the concurrence of the Senate.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Spangler,

The resolution was referred to the standing committee on railroads and turnpikes.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to incorporate the Parkman academy, in the county of Geauga;

A bill to incorporate the first congregational society of Troy, in the county of Geauga;

A bill to lay out and establish a State road in the counties of Pickaway and Franklin;

A bill to amend the act incorporating the town of Perrysburg, passed February 19, 1833.

The House insist on their disagreement to the amendments of the Senate to the bill of the House to create a thirteenth judicial circuit, and request a committee of conference.

The House insist on their amendments to the bill of the Senate to revive and amend an act entitled An act to incorporate the Circleville and Washington turnpike company.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Bates,

The Senate acceded to the request of the House for a committee of conference on the matter of disagreement in relation to the bill creating the thirteenth judicial circuit in Ohio; and the Speaker appointed Messrs. Bates and Craighill the committee on the part of the Senate.

On motion of Mr. Green,

The bill to revive and amend an act entitled An act to incorporate the Washington and Circleville turnpike company, was laid upon the table.

On motion of Mr. James,

The Senate then adjourned.

Attest:

C. J. McNULTY, *Clerk.*



WEDNESDAY, *January 30, 1839.*

The Senate met pursuant to adjournment.

Mr. Craighill presented a petition from citizens of Sandusky county, praying an amendment of the law defining the duties of county surveyor; which was referred to the standing committee on the judiciary.

Mr. Allen presented a petition from citizens of Delaware county, praying the election of Ezra Griswold to the office of associate judge for said county; which was referred to the standing committee on privileges and elections.

Mr. Wade presented petitions from citizens of Clinton county, praying the repeal of the laws of this State making distinctions among its inhabitants on account of color; which were referred to the standing committee on the judiciary.

Mr. Powers presented a petition from citizens of Portage county, praying an amendment of the law providing for the assessment and collection of taxes, and sundry other laws; which was referred to the standing committee on the judiciary.

Mr. Harlan, from the select committee on the subject, reported a bill to amend the act entitled An act to incorporate the town of Xenia, in the county of Green; which was read the first time.

Mr. Harlan, from the select committee on that subject, reported a bill to amend the act to incorporate the town of Fairfield, in the county of Greene, passed February 27, 1834; which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 163.) A bill to provide for the revaluation and sale of a part of section sixteen, in Green county;

(H. No. 150.) An act providing for the appointment of a board of bank commissioners, and for the regulation of banks within this State.

The following bill of the House was read the third time, to wit:

An act to divorce William Mankins from his wife Mahala Mankins.

Mr. James moved to amend the bill by way of ryder, by prefixing a preamble.

Mr. Green moved to lay the bill and amendment upon the table, which was agreed to.

The following bills of the Senate were read the third time and passed, to wit:

An act to incorporate the Norwalk silk manufacturing company;

An act to incorporate the Middleburg silk and beet sugar company, in the county of Portage;

An act making appropriation for the payment of Benedict Lutz and J. B. Crist.

Ordered, that the titles be as aforesaid, and that the concurrence of the House be requested.

On motion of Mr. Tod,

The Senate took up the bill (H. No. 45) to prohibit the issuing and circulation of small bills.

Mr. Green moved to strike out the third and fourth sections, upon which question the yeas and nays were called, and were, yeas 15, nays 18; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Thomas, Tracy, Vanmeter, and Wade—15.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—18.

So the question was decided in the negative.

Mr. James moved to amend the bill by striking out the words "4th of July," in the fourth and fifth lines of the first section of the bill, and inserting in lieu thereof the "first day of April."

Mr. Thompson called for a division of the question, and the question then turned upon striking out, upon which question the yeas and nays were called, and were, yeas 15, nays 18; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Thomas, Tracy, Vanmeter and Wade—15.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thomas, Tod, Utter, Walton and Speaker—18.

So the question was decided in the negative.

Mr. James moved to amend the bill in the 7th line of the first section, by striking out the word "three" where it occurs, and inserting in lieu thereof the word "five."

Mr. Spangler called for a division of the question, and the question then turned upon striking out, upon which question the yeas and nays were called, and were, yeas 15, nays 18; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Thomas, Tracy, Vanmeter and Wade—15.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—18.

So the question was decided in the negative.

Mr. Thomas moved to amend the bill, section 1, line 3, after the word "corporation," by inserting the words "or any other person," upon which question the yeas and nays were called, and were, yeas 15, nays 18; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Thomas, Tracy, Vanmeter and Wade—15.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—18.

So the question was lost.

Mr. Tracy moved that the Senate take a recess, upon which question the yeas and nays were called, and were, yeas 14, nays 19; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Tracy, Vanmeter and Wade—14.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Thomas, Utter, Walton and Speaker—19.

So the question was decided in the negative.

Mr. Thomas moved to amend the bill, in section 2, line 1, after the word "powers," by inserting the words "or for any person;" upon which question the yeas and nays were called, and were, yeas 15, nays 18; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Thomas, Tracy, Vanmeter, and Wade—15.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—18.

So the question was lost.

Mr. Green moved to add the following as a 5th section to the bill, to wit:

Sec. 5. That it shall not be lawful for the Treasurer of State, any county treasurer, or collector of tolls or other public dues of this State, at any time after the 4th day of July, 1839, to receive in payment of taxes or public dues, any bank note or bill or other evidence of debt of less denomination than three dollars: Nor shall any such treasurer or collector receive in payment of taxes or public dues, after the 1st day of October, 1839, any bank note or bill or other evidence of debt, of less denomination than five dollars; and every such treasurer or collector who shall offend against the provisions of this section, shall, for each offence, be fined in the sum of fifty dollars to be recovered by action of debt, in any court of record, and it is hereby made the duty of the prosecuting attorney to sue for and collect the same, and the amount so collected shall be paid into the treasury of the proper county for the use of schools therein.

Upon this question the yeas and nays were called, and were, yeas 12, nays 21, as follows, to wit:

Yeas—Messrs. Birch, Fuller, Green, Harlan, James, Oliver, Powers, Rodgers, Thomas, Tracy, Vanmetre, and Wade—12.

Nays—Messrs. Allen, Bates, Brady, Cox, Craighill, Holmes, Hostetter, Ihrig, McLaughlin, Morris, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, and Speaker—21.

So the question was lost.

Mr. Thomas moved to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following, to wit:

That the Auditor of State, after receiving the statements of the dividends made by the banks in this State, in conformity with the first section of the act entitled An act to tax banks, insurance and bridge companies, passed March 12, 1831, shall draw on such banks, respectively, in favor of the Treasurer of State, for the amount of twenty per cent upon suc



dividends; and it is hereby made the duty of the said treasurer to collect said tax, and account for it as other money received into the treasury, and if any bank shall neglect or refuse to pay the amount so drawn for, such bank shall be proceeded against in the manner, and shall be liable to the penalty, prescribed in the second section of said act, to tax bank, insurance and bridge companies: *Provided*, That should any bank in this State, prior to the fourth day of July next, with the consent of its stockholders, by an instrument of writing under its corporate seal, addressed to the Auditor of State, surrender the right conferred by its charter to issue or circulate notes and bills of a less denomination than three dollars, after the 4th day of July, 1839; and any notes or bills of a less denomination than five dollars after the fourth day of July, 1840: then and in that case the Auditor of State shall be authorized to draw on such banks only for the amount of five per cent upon its dividends declared after the surrender aforesaid.

Sec. 2. Should any bank, having made such surrender, afterwards issue or circulate any note or bill in violation of the terms of such surrender, every bank so offending, for every note so issued or circulated, shall forfeit and pay a sum not less than ten times the amount of such note, to be recovered with costs by action of debt before any court of competent jurisdiction, in the name and for the use of the State of Ohio.

Sec. 3. It shall be the duty of the Auditor of State, on or before the first day of May next, to forward to the cashier of every bank in this State a certified copy of this act.

Upon this question the yeas and nays were called, and were, yeas 14, nays 17, as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, Morris, Oliver, Powers, Rodgers, Smith, Thomas, Tracy, Vanmetre, and Wade—14.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, and Speaker—17.

So the question was lost.

The question then recurred upon ordering the bill to be read the third time; upon which question the yeas and nays were called, and were, yeas 17, nays 14, as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, and Speaker—17.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, Morris, Oliver, Powers, Rodgers, Smith, Thomas, Tracy, Vanmetre, and Wade—14.

So the question was carried, and the bill was ordered to be read the third time on to-morrow

Mr. Thompson moved that the Senate take a recess: upon which question the yeas and nays were called, and were, yeas 14, Nays 15, as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Hostetter, Ihrig, Powers, Rodgers, Saylor, Stadden, Thompson, Tod, Wade, and Speaker—14.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, Holmes, Morris, Oliver, Smith, Shannon, Spangler, Shideler, Thomas, Tracy, and Utter—15.

So the question was decided in the negative.

Mr. Spangler moved that the Senate resolve itself into a committee of the whole.

Mr. Green moved a call of the Senate, and upon calling the names, it appeared that the following members were absent, viz:

Messrs. Brady, James, Matthews, McLaughlin, Oliver, Powers, Smith, Stokely, and White—9.

The Senate then resolved itself into a committee of the whole, Mr. Thomas in the chair, on the bill (S. No. 50) to regulate sales at auction in the county of Hamilton, and after some time spent therein, the committee rose, reported progress, and asked leave to sit again, which was granted.

Mr. Utter moved that the Senate proceed to the orders of the day.

Mr. Smith moved a call of the Senate, which was ordered, and upon calling the names, it appeared that the following members were absent, viz:

Messrs. Allen, Green, Holmes, Matthews, Stokely, Shannon, Thomas, and White—8.

Mr. Bates moved that Mr. Holmes be excused, which was agreed to.

Mr. Smith moved that all the absentees under the present or former call be excused, which was agreed to.

The Senate then resolved itself into a committee of the whole, Mr. Thomas in the chair, on the bill (S. No. 50) regulating sales at auction in the county of Hamilton, and the same was reported back without amendment; and,

On motion of Mr. Thompson,

Recommitted to the standing committee on the judiciary.

Mr. Holmes offered the following resolution, which was agreed to, to wit:

*Resolved*, That Thomas W. Flagg, Esq. be admitted within the bar of the Senate as reporter for the Ohio Statesman.

On motion of Mr. Walton,

The Senate took up the communication from the Governor transmitting the communication of the commissioners from the State of Kentucky, and referred the same to the standing committee on the judiciary.

Mr. Wade offered the following resolution, to wit:

*Resolved*. That the standing committee on the judiciary be instructed to inquire as to the truth of the charges and allegations contained in the communication of the Hon. James T. Morehead and the Hon. J. Speed Smith, commissioners of the State of Kentucky, against the people of this State; and especially whether the citizens of this State, or any of them, have been engaged in enticing slaves in the State of Kentucky to run away or leave their masters; and how, when, and by what means the same has been effected.

And that the said committee be, at the same time, instructed to inquire whether the rights of our own free white or colored people, or any of them, while residing within this State, and under the protection of the laws thereof, have been violated by the citizens of any other

State, under color of such person or persons being fugitives from justice, or slaves from other States, or otherwise. And whether the laws of this State now in force are sufficient for the security and protection of our own citizens in this respect. And that said committee report to this Senate, at as early a day as practicable, all the evidence in relation thereto, with their opinion thereon. And to this end said committee be empowered to send for persons and papers, and to examine witnesses on oath touching the same.

Mr. Holmes moved that the further consideration of the subject be postponed; upon which question the yeas and nays were called, and were, yeas 22, nays 11, as follows:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Green, Holmes, Hostetter, Ihrig, McLaughlin, Oliver, Rodgers, Smith, Shannon, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmetre, Walton, and Speaker—22.

Nays—Messrs. Birch, Cox, Fuller, Harlan, Morris, Powers, Spangler, Thomas, Tracy, Wade and White—11.

So the question was carried, and the resolution was indefinitely postponed.

On motion of Mr. Fuller,  
The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

THURSDAY, January 31, 1839.

The senate met pursuant to adjournment.

Mr. Smith presented a petition from citizens of Warren county, praying the incorporation of a high school in the town of Harveysburg, in said county; which was referred to Mr. Smith.

Mr. Wade presented a petition from citizens of Ashtabula county against the annexation of Texas to the Union; which was referred to the standing committee on the judiciary.

Mr. Walton presented a petition from citizens of Monroe county, praying the prohibition of the sale of ardent spirits; which was referred to the standing committee on the judiciary.

Mr. Holmes presented a petition from citizens of Hamilton county, praying an alteration of the school law, and the abolition of the office of superintendent of common schools; which was referred to the standing committee on schools and school lands.

Mr. Holmes presented a petition from citizens of Hamilton county, praying the passage of a law to protect the traveling community from imposition by stage drivers and others; which was referred the standing committee on roads and highways.

Mr. McLaughlin presented petitions from citizens of the State, praying the erection of a new county, the county seat thereof to be at Loudonville, in the county of Richland; which were referred to the standing committee on new counties.



Mr. Utter from the standing committee on claims, to which was re-committed the bill (H. No. 30) for the relief of Abner Enoch, reported the same back without amendment.

On motion of Mr. Saylor,

The bill was committed to a committee of the whole Senate, and made the order of the day for this day.

Mr. Smith, from the select committee on that subject, reported a bill to incorporate the Harveysburg high school company, in the county of Warren; which was read the first time.

Mr. Bates, from the committee of conference on that subject, made the following report, which was agreed to, to wit:

The committee of conference, on the subject of disagreement between the Houses in relation to the bill of the House, No. 127, have performed the duty assigned them, and now report—recommending to the two Houses to agree to the amendments made by the Senate to said bill.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 114.) A bill to amend the act entitled An act to incorporate the town of Xenia, in the county of Green.

(S. No. 115.) A bill to amend the act to incorporate the town of Fairfield, in the county of Green, passed February 27, 1834.

The following bill of the House was read the third time, to wit:

An act to prohibit the issuing and circulation of small bills.

The question being,

“Shall the bill pass?”

The yeas and nays were called, and were, yeas 18, nays 15—as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, and Speaker—18.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Tracy, Vanmeter, Wade and White—15.

So the question was carried.

Ordered that the titles be as aforesaid, and that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House, and read the first time, to wit:

A bill in addition to an act entitled An act to amend an act entitled An act to incorporate the Toledo and Sandusky railroad company;

A bill to amend the act entitled An act to regulate the mode of petitioning the legislature in certain cases;

A bill to amend the act to provide for draining certain ponds in the county of Butler, passed March 2, 1838;

A bill to amend the act to incorporate the Fairhaven, Rutland, and Athens turnpike company, passed April 3, 1837;

A bill for the relief of John Beatty, auditor of Clermont county;

A bill to incorporate the Philomathean society of the Ohio university, in the town of Athens.

Attest,

W. H. BLODGET, *Clerk.*

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to incorporate the town of Logan, in Hocking county;

A bill to amend the act for the appointment of guardians;

A bill to incorporate the first church of disciples in Bedford, Cuyahoga county;

A bill to incorporate the methodist episcopal church of Medina.

The House has passed the following bills of the Senate, to wit:

An act to authorize the commissioners of Sandusky county to borrow money;

An act to change the name of John A. Seaman to John A. Harrison;

An act to incorporate the first universalist society of Akron, in the county of Portage.

The following bill has been reported to the House and read the first time, to wit:

A bill to amend the act entitled An act regulating the fees of county auditors, passed March 19, 1838.

Attest,

W. H. BLODGET, *Clerk.*

The bills from the House were read the first time.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House, and read the first time to wit:

A bill to authorize a graded State road from the Ohio river, by Woodsfield and Waterford, to Pleasanton;

A bill to provide compensation for damages done by mobs;

A bill to make a special appropriation of a part of the three per cent fund in the county of Belmont;

A bill making special provisions for the sale of section sixteen, in township nine, and range three, in Jefferson county;

A bill to attach a part of Carroll county to Harrison county;

A bill to incorporate the universalist institute of Ohio city;

A bill to incorporate the Clermont and Woodville graded road company;

A bill for the protection of orchards, gardens, and other improved lands.

The House has adopted a resolution providing for printing certain copies of the special message of the Governor, transmitting the communication from Messrs. Morehead and Smith, commissioners from the legislature of Kentucky, to which the concurrence of the Senate is requested.

The House has also passed a resolution ordering that certain copies of the report of the geological corps be furnished to said corps, to which the concurrence of the Senate is requested.

The House has appointed Messrs. Smith of Montgomery, Skinner, and Hendricks, a committee of conference on the part of the House, in relation to the disagreement between the two Houses on the bill of the House to create the thirteenth judicial circuit.

Attest,

W. H. BLODGET, *Clerk.*

Mr. Wade moved to amend the resolution from the House providing for printing the Governor's communication, by striking out the word "five" where it occurs, and inserting in lieu thereof, the word "ten."

Upon which question,

The yeas and nays were called, and were, yeas 8, nays 24—as follows, to wit:

Yeas—Messrs. Bates, Harlan, Smith, Shannon, Spangler, Wade, White, and Speaker—8.

Nays—Messrs. Allen, Birch, Brady, Cox, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, McLaughlin, Morris, Oliver, Powers, Rodgers, Saylor, Shideler, Stadden, Thomas, Tod, Tracy, Utter, Vanmeter, and Walton—24.

So the question was lost.

The resolution was then agreed to.

The resolution of the House providing for printing the geological report, was agreed to.

Ordered that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to amend an act entitled An act to incorporate the town of Sydney, passed March 1, 1834;

A bill to incorporate the town of Brownsville, in the county of Licking;

A bill to incorporate the town of Washington, in the county of Guernsey;

A bill to amend the act entitled An act to regulate the practice of the judicial courts.

Attest,

W. H. BLODGET, *Clerk.*

The bills from the House were read the first time.

On motion of Mr. Green,



The bill to incorporate the literary and botanico medical college of Ohio was taken up, and pending the consideration of the same,

On motion of Mr. Smith,

The Senate adjourned.

Attest,

C. J. McNULTY, *Clerk.*

FRIDAY, February 1, 1839.

The Senate met pursuant to adjournment.

Mr. Bates presented a petition from citizens of Putnam county, praying the passage of an act authorizing the commissioners of said county to borrow of the State the amount of school money belonging to Perry township in said county; which was referred to the standing committee on schools and school lands.

Mr. Bates presented a petition from citizens of Putnam county, praying the incorporation of the Kalida steam mill company; which was referred to Mr. Bates.

Mr. Bates presented the claim and accompanying papers of B. F. Stickney, a citizen of Lucas county; which were referred to the standing committee on the judiciary.

Mr. Utter presented the claim, and accompanying proofs thereof, of Gen. C. Niswanger, of Franklin county, against the State of Ohio; which were referred to the standing committee on claims.

Mr. Vanmetre presented the petition of Francis W. Adams, of Pike county, praying compensation for the erection of a bridge over the Ohio canal in Pike county; which was referred to the standing committee on canals.

Mr. Stadden presented a petition from citizens of Licking county, praying the repeal of the license law; which was referred to the standing committee on the judiciary.

Mr. Allen presented a petition from citizens of Delaware county, praying the election of E. Wood to the office of associate judge for said county; which was laid upon the table.

Mr. Rogers presented a petition from citizens of Scioto and Lawrence counties, for the extension of the Portsmouth and Hanging Rock turnpike road; which was referred to the standing committee on railroads and turnpikes.

The Speaker presented sundry remonstrances from citizens of Washington and Athens counties against the erection of the proposed new county of Chester; which were referred to the standing committee on new counties.

Mr. Powers presented a petition from citizens of Portage county, praying the prohibition of the sale of ardent spirits; which was laid upon the table.

Mr. Cox, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled the following bills and resolution, to wit:

An act to incorporate the Geauga silk company;

An act to divorce Harriet Houck from her husband Jonathan T. Houck;

An act to authorize the town council of the town of Newark to open, lay out, and widen certain streets and alleys in said town;

An act to incorporate the Martinsburgh academy in the county of Knox;

Resolution, calling on the board of canal commissioners for certain information.

Mr. White, from the joint committee on enrollment, reported that they had examined and found duly enrolled, the following bills, to wit:

An act to reduce the corporate limits of the town of Centreville, in Montgomery county;

An act to extend the provisions of an act entitled An act to provide for the internal improvement of the State of Ohio by navigable canals;

An act to incorporate the grand lodge of the independent order of odd fellows of the State of Ohio;

An act to incorporate the town of Greenville.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 116.) A bill to incorporate the Harveysburg high school company in the county of Warren;

(H. No. 154.) An act to incorporate the methodist episcopal church of Medina;

(H. No. 153.) An act to incorporate the first church of Disciples in Bedford, Cuyahoga county;

(H. No. 152.) An act to amend the act for the appointment of guardians;

(H. No. 111.) An act to incorporate the town of Logan, in Hocking county;

(H. No. 147.) An act to amend the act entitled an act to incorporate the town of Sydney, passed March 1st, 1831;

(H. No. 129.) An act to incorporate the town of Brownsville in the county of Licking;

(H. No. 126.) An act to incorporate the town of Washington, in the county of Guernsey.

The following bill was read the second time, and,

On motion of Mr. Walton,

Recommitted to the standing committee on the judiciary, to wit:

(H. No. 62.) An act to amend the act entitled an act to regulate the practice of judicial courts.

On motion of Mr. Tod,

The Senate resolved itself into a committee of the whole, Mr. Smith in the chair, on the bill (S. No. 95) to regulate the times of holding the judicial courts; and after some time spent therein, the committee rose, reported progress, and asked leave to sit again; which was granted.

Mr. Powers offered the following resolution, to wit:

*Resolved by the General Assembly of the State of Ohio, That three thousand extra copies of the memorial from citizens of Portage county, upon the subject of retailing intoxicating liquors, presented to the Senate, Feb. 1, 1839, be ordered to be printed for the use of the members of this General Assembly.*

Mr. Ihrig moved that the further consideration of the resolution be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 21, nays 7, as follows, to wit:

Yeas—Messrs. Bates, Brady, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, McLaughlin, Morris, Oliver, Rodgers, Smith, Spangler, Saylor, Stadden, Tod, Utter and White—21.

Nays—Messrs. Allen, Birch, Powers, Thompson, Tracy, Wade and Speaker—7.

So the question was carried, and the resolution was indefinitely postponed.

On motion of Mr. Spangler,

The resolution from the House, providing for the printing extra copies of the special report of the auditor of state, was taken up, amended and agreed to.

Ordered that the House be informed thereof, and that their concurrence be requested.

Mr. Harlan offered the following resolution; which was agreed to, to wit:

*Resolved, That the standing committee on the judiciary be instructed to enquire into the expediency of passing a law to enable the vendor of real estate to recover from the purchaser, the taxes which he may be compelled to pay on real estate sold upon credit, and which taxes shall accrue after the purchaser shall have entered into and obtained full possession of such real estate.*

Mr. Harlan offered the following resolution; which was laid upon the table, to wit:

*Resolved, That the standing committee on roads and highways be instructed to enquire if any and what amendments are necessary to be made in the law regulating the manner of laying out, altering, and vacating county roads, and that they enquire,*

1st. Whether persons claiming damages by reason of the location of a county road, may not obtain damages, and afterwards, as the law now is, defeat the road by an application for a review of the same.

2d. Whether it is not necessary more particularly to define the extent of liability of the obligors to the bond given by the petitioners for a county road, so as to confine their liability for costs which shall accrue on the view and location of the road, and the damages which may be allowed to persons injured thereby;—or whether their liability should cover the expenses of the view, the review damages claimed, and all other costs which may accrue on any proceedings which may be had in order to defeat the road petitioned for.



3d. Whether any alteration should be made in the order of time, or of the time at which views, reviews, and applications for damages shall be made.

4th. Whether any alteration should be made as to the manner in which materials for roads shall be obtained, and compensation shall be made.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to incorporate the union class of the church of the united brethren in Christ Jusus, in Rush creek township, in Fairfield county;

A bill to appoint a fund-commissioner;

A bill to establish a graded state road in Monroe and Morgan counties;

A bill to incorporate the Rossville and Hanover turnpike company.

The house has agreed to the report of the committee of conference, on the bill of the house to create the thirteenth judicial circuit of Ohio.

The speaker of the house has signed the following enrolled bills, to which the signature of the speaker of the senate is also requested, to wit:

An act to incorporate the Geauga silk company;

An act to divorce Harriet Houck, from her husband, Jonathan T. Houck;

An act to authorize the town council of the town of Newark, to open, lay out and widen certain streets and alleys in said town;

An act to incorporate the Martinsburg academy, in the county of Knox;

Also a resolution calling on the board of canal commissioners for certain information.

Attest, W. H. BLODGET, *Clerk*.

Thereupon the speaker of the senate signed the enrolled bills from the house.

Mr. Allen, on leave, from the select committee on that subject, reported a bill to amend the act entitled, an act to open and secure the navigation of the Scioto river, and for other purposes, passed February 3, 1819; which was read the first time.

On motion of Mr. Saylor,

The senate resolved itself into a committee of the whole, Mr. Smith in the chair, on the bill to regulate the times of holding the judicial courts; and the same was reported back with sundry amendments.

On motion of Mr. Smith,

The amendments were considered on their first reading, and severally agreed to.

The bill was then further amended, and ordered to be engrossed for its third reading, in order to its final passage on to morrow.

On motion of Mr. Ihrig,

The special report of the canal commissioners, on the subject of the Wooster, Chippewa and Clinton canal, was taken up and referred to the standing committee on canals.

On motion of Mr. McLaughlin,

The senate resolved itself into a committee of the whole, Mr. Spangler in the chair, on the bill (S. No. 45) to erect the county of Beaver, and to attach a part of the county of Lucas to the county of Henry; and the same was reported back without amendment, and

On motion of Mr. Utter,

The bill was postponed until the first Monday of December next.

On motion of Mr. Utter,

The senate resolved itself into a committee of the whole, Mr. White in the chair, on the bill (S. No. 56) to incorporate the Huron silk company; and the same was reported back with one amendment, and

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on agriculture, commerce and manufactures.

On motion of Mr. Bates,

The senate took up the bill (S. No. 43) to incorporate the Hancock hydraulic company, and

On motion of Mr. Spangler, the bill was recommitted to the standing committee on agriculture, commerce, and manufactures.

On motion of Mr. Powers,

The senate resolved itself into a committee of the whole, Mr. Morris in the chair, on the bill (S. No. 67) to lay out and establish a graded state road in the counties of Lawrence, Scioto and Jackson; and the same was reported back without amendment, and ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

Mr. Walton, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the Monroe academical association; also a bill to incorporate the Woodsfield lyceum; which were read the first time.

Mr. Bates moved that the senate take up so much of the unfinished business of the last session, as relates to the laying out of a state road in the counties of Henry and Williams; which was agreed to.

And the same was referred to a select committee of one—Mr. Bates, with leave to report thereon by bill or otherwise.

On motion of Mr. Thompson,

The senate took up the bill to divorce William Mankins, from his wife, Mahala Mankins.

The chair announced the question to be on amending the bill, by adopting the preamble by way of rider, when

Mr. Spangler moved that said bill, with the preamble, be indefinitely postponed; upon which question the yeas and nays were called, and were—yeas 15, nays 13—as follows, to wit:

Yeas—Messrs. Cox, Harlan, Ihrig, James, Morris, Oliver, Powers, Rodgers, Smith, Spangler, Saylor, Utter, Vanmeter, Walton, and Speaker—15.

Nays—Messrs. Birch, Brady, Craighill, Fuller, Holmes, Hostetter, McLaughlin, Stadden, Thompson, Tod, Tracy, Wade, and White—13.

So the question was carried, and the bill was indefinitely postponed.

On motion of Mr. Morris,

The senate resolved itself into a committee of the whole, Mr. Stadden in the chair, on the bill (S. No. 75) prohibiting the sale of section sixteen, in Hanover township, in the county of Columbiana; and the same was reported back with one amendment, which was agreed to, and together with the bill was ordered to be read a third time on to-morrow.

On motion of Mr. Holmes,

The senate again resolved itself into a committee of the whole, Mr. Brady in the chair, on the bill (S. No. 68) to incorporate the evangelical protestant congregation of Monroe county; and the same was reported back without amendment, and ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

On motion of Mr. Spangler,

The senate again resolved itself into a committee of the whole, Mr. Bates in the chair, on the bill (H. No. 77) to authorize the county commissioners of Portage county to increase the tax in said county for county purposes; and the same was reported back without amendment, and ordered to be read a third time on to-morrow.

On motion of Mr. Thompson,

The senate took up the resolution of the senate, instructing the committee on finance to report a bill regulating the mode of levying and collecting taxes from bank, insurance, and bridge companies.

On motion of Mr. Spangler,

The preamble to the resolution was stricken out, and the resolution as amended was then agreed to.

Mr. Ihrig moved a reconsideration of the vote indefinitely postponing the bill to divorce William Mankins, from his wife, Mahala Mankins; upon which question the yeas and nays were called, and were—yeas 15, nays 14—as follows, to wit:

Yeas—Messrs. Birch, Brady, Craighill, Fuller, Holmes, Hostetter, Ihrig, McLaughlin, Stadden, Thompson, Tod, Tracy, Wade, Walton and White—15.

Nays—Messrs. Bates, Cox, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Spangler, Saylor, Utter, Vanmetre and Speaker—14.

So the question was carried, and the vote was reconsidered.

On motion of Mr. Thompson,

The bill was laid upon the table.

On motion of Mr. Smith,

The resolution of the senate in relation to calling upon the auditor of state, to report to the senate the name of towns, &c., alphabetically arranged, was taken up, amended and agreed to.

On motion of Mr. Craighill,

The Senate then adjourned.

Attest:

C. J. McNULTY, Clerk.



SATURDAY, *February 2, 1839.*

The Senate met pursuant to adjournment.

Mr. Bates presented petitions from sundry citizens of Lucas county, praying for the removal of the seat of justice of said county to Maumee city; which was referred to the standing committee on new counties.

Mr. Bates presented remonstrances from citizens of Lucas county, remonstrating against the removal of the seat of justice of said county to Maumee city; which was referred to the standing committee on new counties.

Mr. Bates presented a petition from citizens of Lucas county, praying the incorporation of a company to construct a McAdamized or graded turnpike road in said county; which was referred to the standing committee on railroads and turnpikes.

Mr. Bates presented a petition from citizens of Wood county, praying the passage of an act to authorize the commissioners of said county to subscribe to the stock of the Bellefontaine and Perrysburg railroad company, and to authorize said committee to borrow money; which was referred to Mr. Bates.

Mr. Morris presented a petition from citizens of Clinton county, praying the repeal of the law restricting the education of persons of color by depriving them of all participation in the school fund arising from donations made by Congress—and also for the repeal of the law prohibiting persons of color from testifying in courts of justice.

On motion of Mr. Morris,

So much of said petition as relates to the repeal of the law restricting the education of persons of color was referred to the standing committee on schools and school lands, and the remaining parts thereof referred to the standing committee on the judiciary.

Mr. Morris presented a petition from citizens of Clinton county, praying a repeal of all laws in the State which make any distinction among the inhabitants on account of color; which was referred to the standing committee on the judiciary.

Mr. Morris presented a petition from citizens of Clinton county, praying legislative enactment for securing to all persons within the State of Ohio the right of trial by jury in all cases affecting personal liberty, and particularly in all cases where persons are claimed as fugitives from labor; which was referred to the standing committee on the judiciary.

Mr. Utter presented a memorial from William Sloan, praying the legislature to pass a law remitting the taxes assessed against himself and other persons in like circumstances, for school purposes; which was referred to the standing committee on schools and school lands.

Mr. Powers presented a petition from citizens of Portage county, praying the passage of a law to restrain the retailing of ardent spirits except as a medicine; which was referred to the standing committee on the judiciary.

Mr. Powers presented a petition from citizens of Portage county, praying the passage of a general banking law; which was referred to the standing committee on the currency.

Mr. Powers presented a petition from citizens of Portage county, praying the passage of a law providing that taxes may be collected by township collectors, and for extending the jurisdiction of justices of the peace.

On motion of Mr. Powers,

So much of said petition as relates to the passage of a law providing for collecting taxes by township collectors was referred to the standing committee on finance, and the remaining parts thereof referred to the standing committee on the judiciary.

Mr. Powers presented a petition from citizens of Middlebury, Portage county, praying an amendment to the act of incorporation of said village; which was referred to Mr. Powers.

Mr. Allen presented a petition from citizens of Delaware county, praying an appropriation for the construction of a canal from the Columbus feeder to Lake Erie; which was referred to the standing committee on canals.

Mr. Bates presented a paper from a committee of the inhabitants of Lucas county, transmitting certain information in relation to the proposed new county of Beaver; which,

On motion of Mr. Bates,

Was postponed until the first Monday of December next.

Mr. Vaninetre presented a petition from citizens of Pike and Scioto counties, praying for a change in the termination of the Ohio Canal; which was laid upon the table.

Mr. Tod presented a petition from sundry citizens of Trumbull county, praying for a repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. Tod presented a petition from sundry citizens of Trumbull county, praying the amendment of the law defining the duties of justices of the peace; which was referred to the standing committee on the judiciary.

Mr. Tod presented the petition of S. W. Cochran, praying an alteration of the act directing the mode of proceeding in chancery; which was referred to the standing committee on the judiciary.

Mr. Tod presented the petition of William R. Henry, praying the repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. Saylor, from the standing committee on railroads and turnpikes, to which had been committed the resolution of the House granting a survey by the board of canal commissioners of the Fairhaven, Rutland, and Athens turnpike road, made the following report, which was laid upon the table, to wit:

The standing committee on railroads and turnpikes, to whom a resolution of the House was referred, granting a survey by the board of canal commissioners, of the Fairhaven, Rutland, and Athens turnpike road, report:

That, upon examination, it appears that the said Fairhaven, Rutland, and Athens turnpike road was incorporated by an act passed 3d of April, 1837, with power to organize and commence operations as soon as ten thousand dollars shall have been subscribed as stock of the company; and upon the same day, to wit, the 3d of April, 1837, a resolution was passed authorizing the board of public works to cause a survey and estimate to be made of the aforesaid turnpike road, provided said board shall not be required to make such survey until the company incorporated to make said road shall become organized and prepared to commence operations, under the provisions of their act of incorporation.

Your committee have been verbally informed that about seven thousand dollars of stock have been subscribed to said company, and that in consequence of a difference of opinion as to where the said road shall be located, on a distance of six or seven miles immediately south of the town of Athens, in Athens county, subscriptions cannot be obtained sufficient to raise the sum of ten thousand dollars, as required in the act to incorporate said turnpike company, until the said turnpike road is surveyed and permanently located.

Your committee will further state that the Fairhaven, Rutland, and Athens turnpike road commences at a point on the Ohio river in Gallia county, opposite Point Pleasant, in the State of Virginia, thence running through Gallia and Meigs counties, to the town of Athens, in Athens county, a distance of about thirty-eight miles, and would connect an important point of travel, running up the Great Kanawha into the interior of the State of Virginia.

However, your committee are of opinion that it would be improper to grant surveys of turnpike companies which have not become organized; it would be laying a bad precedent, and might subject the State to great expenses for nothing—as the roads might never go into operation. With these facts your committee report the said resolution to the Senate without amendment, and ask to be discharged from the further consideration of the same:

Mr. Cox, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled the following bills, to wit:

An act to change the name of John A. Seaman, to John A. Harrison;

An act to incorporate the first universalist society of Akron, in the county of Portage;

An act to authorize the commissioners of Sandusky county to borrow money;

Mr. Stadden, from the select committee on that subject, reported a bill to authorize the trustees of the methodist episcopal church of the town of Newark, to sell certain real estate; which was read the first time.

Mr. Tod, on leave, presented a petition from citizens of Trumbull county, praying an amendment of the law defining the duties of county commissioners; which was referred to the standing committee on roads and highways.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:



(S. No. 117.) A bill to amend the act entitled, an act to open and secure the navigation of the Scioto river, and for other purposes, passed February 8, 1819;

(S. No. 118.) A bill to incorporate the Woodsfield lyceum;

(S. No. 119.) A bill to incorporate the Monroe academical association.

Mr. Allen, from the standing committee on new counties, to which had been recommitted the resolution of the house, providing for the appointment of commissioners for the removal of the seat of justice of Williams county, reported the same back without amendment; and the same was committed to a committee of the whole, and made the order of the day for this day.

The following bills of the senate were read a third time, and passed, to wit:

A bill to lay out and establish a graded state road in the counties of Lawrence, Scioto and Jackson;

A bill to incorporate the evangelical protestant congregation of Monroe county.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

The following bill of the senate was read the third time, to wit:

An act to regulate the times of holding the judicial courts; when,

On motion of Mr. Thompson,

The bill was amended by way of ryder, by adding a sixth section; and,

On motion of Mr. Smith,

The bill was further amended by way of ryder, by adding a ninth section.

The amendments were ordered to be engrossed at the clerk's desk, and the bill as amended was then passed.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

The following bills of the house were read the third time and passed, to wit:

An act prohibiting the sale of section sixteen, in Hanover township, in the county of Columbiana;

An act to authorize the commissioners of Portage county to increase the tax in said county, for county purposes.

Ordered, that the titles be as aforesaid, and that the house be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to incorporate the Asbury seminary at Chagrin Falls;

A bill to incorporate the Marion mechanics' beneficial society;

A bill to incorporate the northern German Lutheran church of Cincinnati;

A bill in relation to permanent leasehold estates.

The following bills have been reported to the House, and read the first time; to wit:

A bill to incorporate the Milan and Elyria turnpike company;

A bill making a special appropriation of the three per cent fund within the county of Union;

A bill to incorporate the Elizabethtown circulating library, in the county of Licking;

A bill to incorporate the Dayton mechanics' institute;

A bill to incorporate the St. Mary's church in Marietta;

A bill to incorporate the first presbyterian church, in the township of Bronson, county of Huron;

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Tracy,

The committee of the whole were discharged from the further consideration of the bill (S. No. 61) to incorporate the Huron and Mansfield turnpike or McAdamized road company; and the same was re-committed to the committee that reported it.

Mr. Brady gave notice that on Monday or some future day of the present session, he would ask leave to introduce a bill to incorporate the methodist episcopal church of Troy city, in Tuscarawas county.

Mr. Tod offered the following resolution; which was agreed to, to wit:

*Resolved*, That the standing committee on the judiciary, be instructed to inquire what amendments are necessary to the act to authorize the making of indexes to the judicial records, passed January 26, 1838.

On motion of Mr. Spangler,

The senate resolved itself into a committee of the whole, Mr. Walton in the chair, on the bill (S. No. 70) to incorporate the town of McConnellsville; and the same was reported back with sundry amendments, which were agreed to; and the amendments were ordered to be engrossed, and together with the bill to be read a third time on Monday next.

On motion of Mr. Utter,

The senate again resolved itself into a committee of the whole, Mr. Powers in the chair, on the bill (H. No. 59) to allow juries before justices of the peace; and the same was reported back with sundry amendments.

On motion of Mr. Walton,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

MONDAY, *February 4, 1839.*

The Senate met pursuant to adjournment.

Mr. Allen presented a petition from citizens of Marion county, praying the extension of the right of trial by jury, and the repeal of all laws making a distinction among the inhabitants of this State on account of color; which was referred to the standing committee on the judiciary.

Mr. Allen presented a petition from citizens of this State, praying a survey of a route for a rail road from Newark, in the county of Licking, to St. Mary's, in the county of Mercer; which was referred to the standing committee on rail roads and turnpikes.

Mr. Bates presented a petition from citizens of Lucas county, praying the revaluation of the taxable property of this State; which was referred to the standing committee on finance.

Mr. Saylor presented papers pertaining to the claim of Elizabeth Johnson, administratrix of the estate of Robt. Johnson, dec'd; which were referred to the standing committee on claims.

Mr. Shannon presented petitions from Belmont county, praying the repeal of the laws authorizing the sale of ardent spirits; which were referred to the standing committee on the judiciary.

Mr. Shannon presented the petition of sundry citizens of the eastern section of this State, asking aid from the State for the improvement of the waters of Stillwater to Freeport, and to connect with the Baltimore and Ohio rail road at Bridgeport; which was referred to the standing committee on canals.

Mr. Tracy presented a petition from citizens of Huron county, for a rail or M'Adamized road from Huron, in Huron county, to Mt. Vernon, in Knox county; which was laid upon the table.

Mr. Ihrig presented a petition from citizens of Wayne county, praying an amendment to the law abolishing imprisonment for debt, and the law relating to attachments; which was referred to the standing committee on the judiciary.

Mr. Vanmeter presented a petition from citizens of Ross county, praying the passage of an act authorizing the fund commissioners of said county to loan their portion of the surplus revenue to the county commissioners of Ross county; which was referred to Mr. Vanmeter.

The Speaker presented the proceedings of a public meeting of the citizens of Cleveland, in relation to the passage of a law amendatory of the charter of said city; which was laid upon the table.

Mr. Powers presented the petition from citizens of the Western Reserve, praying that the taxes may be collected by township collectors, and that the jurisdiction of justices of the peace may be extended.

On motion of Mr. Powers,

So much of said petition as relates to the collection of taxes, was referred to the standing committee on finance; and the remaining part thereof, was referred to the standing committee on the judiciary.

Mr. Powers presented a petition from citizens of Portage county, pray-



ing the prohibition of the sale of ardent spirits except as a medicine; which was referred to the standing committee on the judiciary.

Mr. Matthews presented the petition of citizens of the counties of Coshocton and Guernsey, praying the location and construction of a McAdamized road from Coshocton, in the county of Coshocton, to Cambridge, in the county of Guernsey; which was referred to the same committee of the whole Senate to which the bill providing for the construction of said road had been heretofore committed.

Mr. Matthews presented the petition of citizens of Muskingum and Coshocton counties, praying that the lock heretofore made by the board of public works in the dam in the Muskingum river, at the mouth of Simms creek, north of Zanesville, be enlarged from its present size to that of the locks in the Muskingum river south of Zanesville; which was referred to the standing committee on canals.

Mr. McLaughlin presented the petition of citizens of Bellville, in Richland county, praying an act of incorporation for the construction of a rail road from said town, to intersect the Mansfield and New Haven rail road, at Mansfield, in said county; which was referred to Mr. McLaughlin.

Mr. Tod presented the memorial from the late convention held in this city by the friends of popular education, in relation to that subject; which was laid upon the table.

Mr. Smith presented the petition of ninety-three citizens of the county of Warren, praying that the bill reported to the House of Representatives at the present session, to repeal the law of the last session abolishing imprisonment for debt, may be passed in the form in which it has been reported to the House; which was referred to the standing committee on the judiciary.

Mr. Holmes from the select committee on that subject, reported a bill to incorporate the town of Madisonville, in the county of Hamilton; which was read a first time.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 120.) A bill to authorize the trustees of the methodist episcopal church of the town of Norwalk to sell certain real estate;

(H. No. 90.) An act to incorporate the Marion mechanics' beneficial society;

(H. No. 164.) An act in relation to permanent leasehold estates;

(H. No. 157.) An act to incorporate the Ashbury seminary at Chagrin falls;

(H. No. 165.) An act to incorporate the northern German Lutheran church of Cincinnati.

The following bill of the House was read the third time and passed, to wit:

An act to incorporate the town of McConnelsville.

Ordered, that the title be as aforesaid and the House be informed thereof.

Mr. Brady, pursuant to previous notice, asked and obtained leave, and

introduced a bill to incorporate the methodist episcopal church of Troy city, in the county of Tuscarawas; which was read the first time.

Mr. Holmes, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the mechanics and traders bank of Cincinnati; which was read the first time.

Mr. Green, on leave, from the standing committee on medical colleges and societies, to which petitions on that subject were referred, reported a bill for the relief of the Willoughby University of Lake Erie; which was read the first time.

On motion of Mr. Holmes,

The committee of the whole Senate were discharged from the further consideration of the bill (H. No. 115) to amend the act entitled An act to provide for the incorporation of townships, and the same was taken up, considered, and

On motion of Mr. Holmes,

Laid upon the table.

Mr. Powers gave notice that on to-morrow, or some subsequent day of the present session, he should ask leave to introduce a bill to incorporate the trustees of the Cuyahoga Falls institute.

Mr. Tod moved the Senate take up the bill (H. No. 59) allowing juries before justices of the peace; upon which question the yeas and nays were demanded, and were, yeas 12, nays 18; as follows, to wit:

Yeas—Messrs. Allen, Brady, Craighill, Holmes, Matthews, Powers, Saylor, Thompson, Tod, Tracy, Utter and Wade—12.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, Hostetter, Ihrig, James, Morris, Olivers, Rodgers, Smith, Shannon, Spangler, Vanmeter, Walton, White and Speaker—18.

So the question was lost.

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Holmes in the chair, on the bill (H. No. 82) to amend the act entitled an act defining the mode of laying out and establishing township roads. passed March 11, 1831, and the act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed March 20th, 1837; and the same was reported back with one amendment.

Mr. Spangler moved that the further consideration of the bill and amendment be indefinitely postponed; upon which question he demanded the yeas and nays, which were ordered, and were, yeas 20, nays 12; as follows, to wit:

Yeas—Messrs. Bates, Cox, Craighill, Green, Harlan, Ihrig, James, McLaughlin, Morris, Oliver, Rodgers, Smith, Shannoa, Spangler, Saylor, Thompson, Vanmeter, Walton, White and Speaker—20.

Nays—Messrs. Allen, Birch, Brady, Fuller, Holmes, Hostetter, Matthews, Powers, Tod, Tracy, Utter and Wade—12.

So the question was carried

On motion of Mr. Spangler,

The Senate again resolved itself into a committee of the whole, Mr. Brady in the chair, on the bill (S. No. 69) to divorce Ezekiel L. Good-

rich from his wife Hannah Goodrich; and the same was reported back without amendment.

The question being on ordering the bill to be engrossed, the yeas and nays were demanded, and were, yeas 18, nays 13: as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Smith, Shannon, Thompson, Tod, Tracy, Wade, Walton and White—18.

Nays—Messrs. Cox, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Spangler, Saylor, Utter, Vanmeter and Speaker—13.

Mr. Birch was excused from voting.

So the question was carried, and the bill was ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

On motion of Mr. Green,

The bill to incorporate the literary and botanico medical college of Ohio was taken up and amended.

Mr. Wade moved to add the following as section 11 to the bill, to wit:

“That the members of this corporation shall be liable, in their individual capacity, for all the debts of the incorporation, and for the support and maintenance of all widows and orphans which shall be made by the practice of its graduates.”

Mr. Thompson moved to amend the amendment by striking out all after the word “incorporation” therein; which was agreed to.

The question then recurred upon agreeing to the amendment as amended.

Upon which question,

Mr. Green demanded the yeas and nays, which were ordered, and were, yeas 18, nays 11—as follows, to wit:

Yeas—Messrs. Allen, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Spangler, Saylor, Thompson, Tod, Utter, Wade, Walton, White, and Speaker—18.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Oliver, Powers, Rodgers, Smith, and Vanmetre—11.

So the question was carried, and the amendment was agreed to.

The question then recurred upon ordering the bill to be engrossed.

Upon which question,

The yeas and nays were demanded, and were, yeas 28, nays 4—as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, James, Matthews, Morris, Oliver, Rodgers, Smith, Shannon, Spangler, Saylor, Thompson, Tod, Tracy, Vanmeter, Wade, Walton, White, and Speaker—28.

Nays—Messrs. Ihrig, McLaughlin, Powers, and Utter—4.

So the question was carried, and the bill was ordered to be engrossed for its third reading in order to its final passage on to-morrow.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:



A bill for the relief of Morris Seely;

A bill to provide for the assessment of damages on the canals and other public works of this State;

A bill to incorporate the Claridon draining company, in the county of Geauga;

A bill to change the name of the town of Vermillion to Savanna;

A bill to divorce Eliza Stone from her husband, Clayborne Stone.

The Speaker of the House has signed the following enrolled bills, to which the signature of the Speaker of the Senate is also requested, to wit:

An act to incorporate the first universalian society of Akron, in the county of Portage;

An act to change the name of John A. Seaman to John A. Harrison;

An act to authorize the commissioners of Sandusky county to borrow money;

An act to incorporate the town of Greenville;

An act to reduce the corporate limits of the town of Centreville, in Montgomery county;

An act to extend the provisions of an act entitled An act to provide for the internal improvement of the State of Ohio by navigable canals;

An act to incorporate the grand lodge of the independent order of odd fellows of the State of Ohio.

Attest, W. H. BLODGET, *Clerk*.

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

A message from the House of Representatives.

Mr. Speaker:

The House has passed a resolution providing for printing certain extra copies of the act to regulate the times of holding the judicial courts, to which the concurrence of the Senate is requested.

Attest, W. H. BLODGET, *Clerk*.

On motion of Mr. Walton,

The resolution from the House was laid upon the table.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the amendments of the Senate to the resolution of the House for printing an extra number of copies of the special report of the Auditor of State.

The House has agreed to the amendments of the Senate to the bill of the House prohibiting the sale of section sixteen in Hanover township, Columbiana county.

Attest, W. H. BLODGET, *Clerk*.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested:

A bill to incorporate the Wapaukonetta and Defiance turnpike road company;

A bill to incorporate the town of Munster, in the county of Mercer;  
 A bill amendatory of an act entitled An act to abolish imprisonment  
 for debt, passed March 19, 1838.

Attest,

W. H. BLODGET, *Clerk.*

The bills from the House were read the first time.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill of the Senate with sundry  
 amendments, to which the concurrence of the Senate is requested, to  
 wit:

A bill to regulate the times of holding the judicial courts.

Attest,

W. H. BLODGET, *Clerk.*

The amendments of the House were considered, and some agreed to,  
 and some disagreed to.

Ordered that the House be informed thereof.

On motion of Mr. Thompson,

The Senate then resolved itself into a committee of the whole, Mr.  
 Morris in the chair, on the bill (H. No. 83) to prohibit the establish-  
 ment within this State of any branch, office, or agency of the United  
 States Bank of Pennsylvania, or of any other bank or corporation in-  
 corporated by the laws of any other State, or by the laws of the  
 United States, and for other purposes; and the same was reported  
 back without amendment.

On motion of Mr. Green;

The bill was laid upon the table.

Message from the House of Representatives.

Mr. Speaker:

The House insist on their amendments to the bill of the Senate, No.  
 95, and request a committee of conference.

Attest:

W. H. BLODGET, *Clerk.*

On motion of Mr. Walton,

The request of the House for a committee of conference was acce-  
 led to; and the chair appointed Messrs. Walton, Ihrig, and McLaugh-  
 lin, the committee on the part of the Senate.

Ordered that the House be informed thereof.

On motion of Mr. Tod,

The Senate again took up the bill relating to the establishment of a  
 branch or agency of a foreign bank; and the question being on order-  
 ing the bill to a third reading,

Mr. Smith demanded the yeas and nays, which were ordered, and  
 were, yeas 15, nays 15—as follows, to wit:

Yeas,—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter,  
 Matthews, Shannon, Spangler, Saylor, Thompson, Tod, Utter, Wal-  
 ton, and Speaker—15.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris Oliver, Powers, Rodgers, Smith, Tracy, Vanmeter, Wade, and White—15.

So the question was lost.

On motion of Mr. Thompson,

The Senate again resolved itself into a committee of the whole, Mr. Spangler in the chair, on the bill to amend an act entitled "An act to authorize the corporations therein named to grant licenses," &c., passed Feb. 18, 1830; and the same was reported back without amendment and ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

It now wanting 15 minutes of 6 o'clock, Mr. Powers moved that the Senate adjourn; upon which question the yeas and nays were called, and were, yeas 15, nays 17, as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Tracy, Vanmetre, Wade and White—15.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Thompson, Tod, Utter, Walton and Speaker—17.

So the question was lost.

Mr. Ihrig asked leave to record his vote on the question of ordering the bill relating to the establishment of a branch or agency of a foreign bank in this State, to a third reading, but subsequently withdrew his request.

Mr. Green then moved a reconsideration of that vote; which was agreed to.

The question then recurred upon ordering the bill to a third reading; upon which question the yeas and nays were called, and were, yeas 17, nays 10, as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Thompson, Tod, Utter, Walton and Speaker—17.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Tracy, Vanmetre, Wade and White—15.

So the question was carried, and the bill was ordered to be read a third time, on to-morrow.

On motion of Mr. Thompson,

The Senate then adjourned.

Attest

C. J. McNULTY, Clerk.

TUESDAY, February 5, 1839.

The Senate met pursuant to adjournment.

Mr. Allen presented a petition from citizens of Delaware county, remonstrating against any alterations of a certain road running



through parts of that and Knox county; which was referred to the standing committee on roads and highways.

Mr. Rodgers presented a petition from the proprietors of Franklin Furnace, Scioto county, praying a re-assessment of their furnace; which was referred to the standing committee on finance.

Mr. Bates presented petitions from citizens of Wood county, praying the passage of an act authorizing the commissioners of said county to subscribe to the capital stock of the Bellefontaine and Perrysburg rail road company, and to authorize said commissioners to borrow money; which was referred to the select committee on that subject.

Mr. Matthews presented a petition and accompanying papers from William Davison, James Davison and Beebe S. Cone, praying remuneration for damages done to a boat by an obstruction in the Ohio Canal; which was referred to the standing committee on canals.

Mr. Wade presented a memorial from the officers of the Ashtabula county Colonization society, praying the Legislature to petition Congress for aid to said society; which was referred to the standing committee on the judiciary.

Mr. Tracy presented a petition from citizens of Huron county praying for a McAdamized road to be constructed through part of said county; which was laid upon the table.

Mr. Powers presented a petition from citizens of Portage county, praying the passage of a law to prohibit the sale of ardent spirits, except as a medicine; which was referred to the standing committee on the judiciary.

Mr. Allen presented a petition from citizens of the State, praying the construction of a canal from Columbus to some point on Sandusky Bay; which was referred to the standing committee on canals.

Mr. Holmes presented a petition from citizens of Hamilton county, praying the passage of a law levying a tax upon dogs, for the better encouragement of raising sheep; which was referred to the standing committee on agriculture commerce and manufactures.

The Speaker presented petitions and remonstrances from citizens of Washington and Athens counties, for and against the erection of the proposed new county of Chester; which were referred to the standing committee on new counties.

Mr. Fuller, from the standing committee on schools and school lands, to which petitions on that subject had been referred, made the following report, to wit:

( See Appendix, K. p. 15. )

On motion of Mr. Tod,

The report was laid upon the table.

Mr. Morris, from the standing committee on agriculture, commerce and manufactures, to which was recommitted the bill to incorporate the Hancock county hydraulic company, reported the same back with sundry amendments; which were agreed to, and the question being on

ordering the bill to be engrossed for its third reading, the yeas and nays were called, and were, yeas 22, nays 8, as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Cox, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, Matthews, Morris, Oliver, Powers, Rodgers, Shannon, Spangler, Saylor, Tracy, Vanmeter, Wade, and White—22.

Nays—Messrs. Harlan, McLaughlin, Smith, Thompson, Töd, Utter, Walton, and Speaker—8.

So the question was carried, and the bill was ordered to be read a third time on tomorrow.

Mr. Matthews from the standing committee on canals, to which petitions on that subject had been referred, reported a bill to authorize the construction of a canal from the Ohio canal near Clinton, to Wooster, in Wayne county; which was read the first time.

Mr. Rodgers from the select committee on that subject, reported a bill to provide for the draining of Gervais pond, Scioto county; which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole Senate and made the order of the day for this day, to wit:

(S. No. 121.) A bill to incorporate the town of Madisonville, in the county of Hamilton;

(S. No. 122.) A bill to incorporate the methodist episcopal church of Troy city, in the county of Tuscarawas;

(S. No. 123.) A bill to incorporate the mechanics and traders' bank of Cincinnati;

(H. No. 166.) An act to incorporate the town of Munster, in the county of Mercer;

(H. No. 106.) An act to incorporate the Wapaukonetta and Defiance turnpike road company.

The following bill was read the second time, and

On motion of Mr. Green,

Recommitted to the standing committee on finance, to wit:

(S. No. 124.) An act for the relief of the Willoughby University of Lake Erie.

The following bill was read the second time, and

On motion of Mr. Walton,

Recommitted to the standing committee on the judiciary, to wit:

(H. No. 109.) An act amendatory of an act entitled an act to abolish imprisonment for debt, passed March 19th, 1838.

The following bill of the House was read the third time, to wit:

An act to prohibit the establishment within this State of any branch, office or agency of the United States Bank of Pennsylvania, or any other bank or corporation incorporated by the laws of any other State, or by the laws of the United States, and for other purposes.

The question being,

Shall the bill pass?

The yeas and nays were demanded, and were, yeas 17, nays 15; as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter,

Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Thompson, Tod, Utter, Walton and Speaker—17.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Tracy, Vanmeter, Wade and White—15.

So the question was carried.

Ordered, that the title be as aforesaid, and that the House be informed thereof.

The following bill of the Senate was read the third time, to wit:

An act to divorce Ezekiel L. Goodrich from his wife Hannah Goodrich.

The question being,

Shall the bill pass?

The yeas and nays were demanded, and were, yeas 16, nays 14; as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Fuller, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Thompson, Tod, Tracy, Wade, Walton and White—16.

Nays—Messrs. Cox, Craighill, Green, Harlan, James, Morris, Powers, Rodgers, Smith, Spangler, Saylor, Utter, Vanmeter & Speaker—14.

So the question was carried.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

The following bill of the Senate was read the third time, to wit:

An act to incorporate the directors of the literary and botanico medical college of Ohio.

The question being,

Shall the bill pass?

The yeas and nays were demanded, and were, yeas 26, nays 5; as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Cox, Fuller, Green, Harlan, Holmes, Hostetter, James, Matthews, Morris, Oliver, Rodgers, Smith, Shannon, Spangler, Saylor, Thompson, Tod, Tracy, Vanmeter, Wade, Walton, White and Speaker—26.

Nays—Messrs. Birch, Ihrig, McLaughlin, Powers & Utter—5.

So the question was carried.

The title having been read,

Mr. Allen moved to amend it, by inserting the word "Thompsonian," after the word "literary;" upon which question the yeas and nays were demanded, and were, yeas 10, nays 22; as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Ihrig, Matthews, McLaughlin, Powers, Tod, Tracy and Utter—10.

Nays—Messrs. Birch, Brady, Cox, Fuller, Green, Harlan, Holmes, Hostetter, James, Morris, Oliver, Rodgers, Smith, Shannon, Spangler, Saylor, Thompson, Vanmeter, Wade, Walton, White and Speaker—22.

So the question was decided in the negative.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

The following bill of the Senate was read the third time, to wit:



An act to amend an act entitled an act to authorize the corporations therein named to grant licenses, &c. passed February 18, 1830.

On motion of Mr. James,

The bill was recommitted to a select committee of two--Messrs. James and Allen.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills to which the concurrence of the Senate is requested, to wit:

A bill for the relief of Frederick A. Abbott;

A bill to incorporate the Nelsonville toll bridge company, in the county of Athens.

The House has passed the following bills of the Senate, to wit:

A bill to incorporate the Roscoe iron company, in the county of Coshocton;

A bill to authorize the commissioners of Champaign county to borrow money.

The House has passed the following bill of the Senate with one amendment, to which the concurrence of the Senate is requested, to wit:

A bill to amend the act entitled an act to incorporate the town of Portsmouth, in the county of Scioto.

The House has appointed Messrs. Goddard, Coddington and Gamble, a committee of conference on the part of the House, on the bill No. 95 of the Senate, to regulate the times of holding the judicial courts.

Attest,

W. H. BLODGET, *Clerk*.

The bills from the House were read the first time.

The amendment of the House to the bill of the Senate was agreed to.

Ordered, that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to authorize a state road in the counties of Sandusky and Seneca;

A bill to amend the act entitled an act to incorporate the Perry improvement company;

A bill to divide the township of Dayton into two election districts;

A bill to incorporate the methodist book concern at Cincinnati;

A bill to exempt section No. 29 in the original surveyed township of Springfield, in the county of Hamilton, from revaluation;

A bill to incorporate the Wapaukonetta and St. Mary's rail road company;

A bill to amend an act entitled an act to incorporate the fireman's insurance company of Cleveland;

A bill to amend the act entitled an act incorporating the Cleveland and Warren rail road company;

A bill restraining the corporate authorities of the city of Cincinnati in the exercise of certain powers, and for other purposes;

A bill to incorporate the first orthodox presbyterian church in Fredericktown, in the county of Knox;

A bill to incorporate the first baptist church of Aurora;

A bill to incorporate the first disciple church of Euclid, in the county of Cuyahoga.

The House has passed a resolution providing for running and permanently establishing the line between Adams and Scioto counties, to which the concurrence of the Senate is requested.

The House has agreed to the report of the committee of conference, on the bill of the Senate, to regulate the times of holding the judicial courts.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. White.

The resolution from the House was laid upon the table.

Mr. Walton, from the committee of conference on that subject, made the following report, which was agreed to, to wit:

The committee of conference to whom was committed Senate bill No. 95, together with the amendments made in the House, which were disagreed to in the Senate, have freely conferred and have agreed to report to their respective branches as follows:

1st. That the Senate recede from its disagreement to the amendments of the House to 5th section;

2d. That the Senate recede from its disagreement to the amendment of the House to the 9th section;

3d. That the House recede from its amendments to the 11th section.

Mr. Green gave notice that on to-morrow or some subsequent day of the present session, he should ask leave to introduce a bill to incorporate "the conference printing establishment of the united brethren church in the town of Circleville, Pickaway county, Ohio. Also, a bill to incorporate the first church of the united brethren in Christ, of Circleville, Pickaway county, Ohio.

Mr. Spangler offered the following resolution; which was amended and agreed to, as follows, to wit:

*Resolved by the General Assembly of the State of Ohio,* That both branches of this General Assembly will meet in the hall of the House of Representatives, on Friday the eighth day of this inst., at two o'clock P. M. of said day, for the purpose of electing two associate judges for the county of Monroe, an auditor of State, a secretary of State, and a State librarian.

Ordered to the House for concurrence.

On motion of Mr. Thompson,

The Senate took up the resolution from the House providing for printing certain copies of the act to regulate the times of holding the judicial courts, and the same was amended and agreed to.

Ordered, that the House be informed thereof, and their concurrence be requested.

Mr. Bates gave notice that he would on to-morrow, or some subsequent day of the present session, ask leave to introduce a bill to amend an act entitled, "an act to incorporate the Maumee and Perrysburg toll bridge company."

Mr. Holmes gave notice that he would on to-morrow, or some subsequent day of the present session, ask leave to introduce a bill to amend the act entitled, an act to incorporate and establish the Bank of Xenia, in the county of Greene.

On motion of Mr. Tod,

The Senate resolved itself into a committee of the whole, Mr. James in the chair, on the bill providing for the appointment of a board of bank commissioners, and for the regulation of banks within this State, and the same was reported back without amendment.

Mr. Powers moved to amend the bill by inserting after the word "of," in the first line of the 22d section, the following words: "or person indebted to;" upon which question the yeas and nays were demanded, and were, yeas 22, nays 11; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Cox, Craighill, Fuller, Green, Harlan, Hostetter, Ihrig, James, Matthews, Morris, Oliver, Powers, Rodgers, Smith, Thompson, Tracy, Vanmeter, Wade, and White—22.

Nays—Messrs. Brady, Holmes, McLaughlin, Shannon, Spangler, Saylor, Stadden, Tod, Utter, Walton, and Speaker—11.

So the question was carried.

Mr. Wade moved to amend the bill in the first section, 10th line, by striking out the word "four;" and inserting in lieu thereof, the word "three."

Mr. Ihrig called for a division of the question, and the question then turned on striking out, on which question the yeas and nays were demanded, and were, yeas 21, nays 12; as follows, to wit:

Yeas—Messrs. Bates, Birch, Cox, Fuller, Green, Harlan, Holmes, Hostetter, James, McLaughlin, Morris, Oliver, Powers, Rodgers, Smith, Shannon, Spangler, Tracy, Vanmeter, Wade, and White—21.

Nays—Messrs. Allen, Brady, Craighill, Ihrig, Matthews, Saylor, Stadden, Thompson, Tod, Utter, Walton, and Speaker—12.

So the question was carried.

The question then turned upon filling the blank with three, upon which question the yeas and nays were demanded, and were, yeas 19, nays 14; as follows, to wit:

Yeas—Messrs. Bates, Birch, Cox, Fuller, Green, Harlan, Hostetter, James, McLaughlin, Morris, Oliver, Powers, Smith, Shannon, Spangler, Tracy, Vanmeter, Wade, and White—19.

Nays—Messrs. Allen, Brady, Craighill, Holmes, Ihrig, Matthews, Rodgers, Saylor, Stadden, Thompson, Tod, Utter, Walton, and Speaker—14.



So the question was carried.

Mr. Bates then moved to amend the bill by inserting the following after the word "appointment," in line 14, section 1: "and for their necessary travel, three dollars for every twenty-five miles, but shall receive no per diem compensation during the time employed in traveling."

Upon this question the yeas and nays were demanded, and were, yeas 19, nays 14; as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, Powers, Rodgers, Shannon, Spangler, Saylor, Stadden, Thompson, Tod, Utter, Walton, and Speaker—19.

Nays—Messrs. Breh, Cox, Fuller, Green, Harlan, James, McLaughlin, Morris, Oliver, Smith, Tracy, Vanmeter, Wade, and White—14.

So the question was carried.

Mr. Holmes then moved further to amend the bill by adding to the fourteenth section the following words, to wit:

*Provided* that said commissioner or commissioners shall previous to taking possession of the books, moneys, keys, property and effects of said bank, execute a receipt for the same to the directors of each bank.

Upon which question the yeas and nays were demanded, and were, yeas 13, nays 19; as follows, to wit:

Yeas—Messrs. Birch, Fuller, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Tracy, Vanmeter, Wade, and White—13.

Nays—Messrs. Allen, Bates, Brady, Craighill, Green, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Stadden, Thompson, Tod, Utter, Walton, and Speaker—19.

So the question was lost.

On motion of Mr. Tod,

The bill was then recommitted to the standing committee on the currency.

Mr. Green moved to instruct the committee to amend the bill as follows:

Sec. 14, line 27, after the words "use of," insert, of any person or persons interested, and the principals and sureties in such bond shall be held bound for any damages that any bank, corporation, person or persons may sustain, in consequence of any act done or performed by said commissioners.

Upon this question the yeas and nays were demanded, and were, yeas 15, nays 18; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Tracy, Vanmeter, Wade, and White,—15.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Stadden, Thompson, Tod, Utter, Walton, and Speaker—18,

So the question was lost; and on motion of Mr. Green,  
The Senate then adjourned.

C. J. McNULTY, *Clerk.*

WEDNESDAY, *February 6, 1839.*

The senate met pursuant to adjournment.

Mr. Tracy presented a petition from citizens of Huron county, praying the construction of a McAdamized road from Huron, in said county, to Mt. Vernon in Knox county; which was laid upon the table.

Mr. Bates presented petitions from citizens of Wood, Lucas, Sandusky and Hancock county, praying the erection of a new county out of parts of said counties; which were referred to the standing committee on new counties.

Mr. Allen presented petitions from citizens of Delaware county, praying the construction of a canal from Columbus to some point on Lake Erie; which were referred to the standing committee on canals.

Mr. Green presented a petition from citizens of Pickaway county, praying the passage of a general banking law; which was laid upon the table.

Mr. Tod presented a petition from citizens of Trumbull county, praying the repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. Tod presented a petition from citizens of Trumbull county, praying an amendment of the laws which provide for the collection of debts; which was laid upon the table.

Mr. Stadden presented a petition from citizens of Licking county, praying the incorporation of the Fredonia social library company; which was referred to Mr. Stadden.

Mr. Powers presented the proceedings of a public meeting of the citizens of Portage county, in relation to a reform of the present banking system, and the passage of a general banking law; which were laid upon the table.

Mr. Walton, from the standing committee on the judiciary, to which so much of the annual message of the governor, as relates to the abolition of capital punishment, was referred, made the following report; which was agreed to, to wit:

The standing committee on the judiciary, to which was referred so much of the annual message of the governor, as relates to the abolition of capital punishment, have had the subject under consideration, and now report:

That there is but one crime made capital by the laws of this State, which is *murder in the first degree*. On the conviction of this crime, the law inflicts on the offender the punishment of *death by hanging*. To abolish

this kind of punishment, is a subject which has been often, heretofore, submitted to the consideration of the legislature, and which has been as often rejected.

Your committee view the subject as one purely of *expediency*, and in that light it has been always considered by the legislature. We forbear entering into any disquisition of the subject, on principles of elementary ethics or morals.

The constitution declares that "all penalties shall be proportioned to the nature of the offence;" and that "no wise legislature will affix the same punishment to the crime of theft, forgery and the like, which they do to those of murder and treason." Murder is a crime of the greatest magnitude, and the most atrocious of which any one can be guilty. Our laws have, from the first organization of the government, punished this crime capitally. Society seems to have required this kind of punishment for its own security. Self-protection and self-preservation are the considerations of society, which urge the policy of this grade of punishment for *murder*. If society could have any guaranty of safety and security in future, from the attacks of the fierce, abandoned, and atrocious murderer, they might agree, in furtherance of the principles of humanity, to dispense with the rigor of capital punishment. But your committee, as at present advised, are not able to devise any mode of punishment for this heinous crime, which, whilst it would save the life of the criminal, would afford adequate public security. And it is generally believed, and not without much good reason, it would seem, that the knowledge of certain dissolution has a powerful influence to check, and even to deter the vicious man in his mad career of crime, before it terminates in blood, to pause and reflect before he strikes the fatal blow, which robs an innocent fellow man of life. With this brief view of the subject, your committee would offer for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject.

Mr. Walton, from the standing committee on the judiciary, which was by resolution instructed to inquire into the expediency of passing a law fixing the rates to be received by proprietors of stage coaches from passengers, on the different roads throughout this state, and making it penal for any proprietor or owner of a stage coach or hack, to demand or receive a higher rate of fare per mile, than he may be authorized to do by law, made the following report:

The standing committee on the judiciary, to which was referred the resolution of the senate, instructing the committee to inquire into the expediency of passing a law fixing the rates to be received by proprietors of stage coaches, from passengers on the different roads throughout this state; and making it penal for any proprietor or owner of a stage, coach or hack, to demand or receive a higher rate of fare per mile, than he may be authorized to do by law, have had the subject under consideration, and report:

That in the opinion of the committee, it would not be expedient, at this time, to adopt the legislation proposed by the resolution. They therefore offer for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject.



On motion of Mr. Stadden,

The report and resolution was laid upon the table.

Mr. Walton, from the standing committee on the judiciary, to which petitions praying the abolition of the office of fence viewers had been referred, asked leave to be discharged from the further consideration thereof, and recommended that the same be referred to the standing committee on agriculture, commerce and manufactures; which was agreed to.

Mr. Walton, from the standing committee on the judiciary, to which had been recommitted the bill (H. No. 49) authorizing the acts of a general nature to be distributed by mail, made the following report, to wit:

The standing committee on the judiciary, to which was committed house bill No. 49, an act to authorize the acts of a general nature to be distributed by mail, have had the same under consideration, and now report:

That the bill provides that one copy of the general laws, shall be by the secretary of state forwarded immediately, after twenty days from the rising of the General Assembly, transmitted by mail to the clerk of the court of common pleas of each county in the state, and one copy to each township clerk in his county.

From the best information which your committee have been able to obtain, the cost to the state would average about two cents per sheet on the whole number of copies provided to be sent by the bill to the counties of this state. The cost per copy on the whole number would be about 12 cents in ordinary years. The number of copies provided to be sent by mail, is 1,303; this, at the rate aforesaid, would cost 156.24 dollars.

The business of the session has so far advanced, that it would be difficult for the state printer to carry the law into effect the present year, without causing an additional expense to a large amount to that officer, and consequently to the state.

Your committee therefore believe that the benefits to be derived, should the bill pass, would not compensate, in any wise, for the increased expenditure. They therefore recommend that the bill be indefinitely postponed.

On motion of Mr. Harlan,

The report and bill were laid upon the table.

Mr. Bates, from the standing committee on public lands, to which was recommitted the bill (S. No. 36) for the relief of Norman C. Baldwin, reported the same back with sundry amendments; which were agreed to, and the bill was ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

Mr. Saylor, from the standing committee on railroads and turnpikes, to which petitions on that subject had been referred, reported a bill to amend an act entitled, an act to incorporate the Portsmouth and Hanging Rock turnpike company, passed April 1, 1837; which was read the first time.

Mr. Smith, from the standing committee on the judiciary, to which petitions on that subject had been referred, made the following report; which was agreed to, to wit:

The standing committee on the judiciary, to which was referred a communication from Alexander M'Bride, of the county of Richland, praying that the act to provide for the election and resignation of justices of the peace, may be so amended, that in case the same person is elected to the office of justice of the peace and township treasurer, that his bond as justice of the peace may be deposited with the township clerk or other suitable person, report:

The statute now in force provides in substance, that every person who shall be elected to the office of justice of the peace, before he shall be deemed legally authorized to discharge the duties of his office, shall enter into bond with at least two sufficient securities, to be approved by the trustees of the township, conditioned, &c ; which bond shall be deposited with the township treasurer. Your committee are not aware of any principle which would render the offices of justice of the peace, and township treasurer, incompatible; or prevent a person from being elected to, and holding both of these offices at the same time—such cases they believe do exist. On the happening of such an event, there would seem to be an impropriety in depositing the official bond of a justice of the peace, with *himself* as treasurer of the township; the bond to some extent being thus in his own custody, and under his control. This provision, however, is believed to be no new feature in our laws; and the committee are not aware of any evils or inconveniences resulting from it, of sufficient magnitude, as to require legislation at this time. The period is perhaps not distant, when our statutory law will undergo a general revision. When that period shall arrive, the incorporation of a provision similar to the one prayed for, would doubtless be proper; but at this time, your committee would not recommend any further legislation upon this subject. They therefore ask to be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his communication.

Mr. Smith, from the standing committee on the judiciary, to which petitions on that subject had been referred, made the following report; which was agreed to, to wit:

The standing committee on the judiciary, to which was referred the petition of sundry citizens of the county of Lorain, praying the passage of a law, whereby either party in all litigated suits, may compel the opposite party to testify touching the matters in controversy, have examined the subject, and report:

That they are not aware of the existence of any necessity, which would demand the incorporation of the principle prayed for, as a part of our judicial system, in trials at common law. There might be cases where a provision of this kind would tend to develope truth; but your committee believe that it would at the same time, be offering great temptation to commit the crime of perjury—and would, in many instances, doubtless induce the commission of that crime, one of the most dangerous, and one of the most revolting in the catalogue of crime. Judicial and official oaths are perhaps already too numerous; the solemnity of this appeal, is to some

extent, removed by its frequency; and your committee would doubt the expediency of any legislation, which would increase its frequency, unless imperiously demanded by the public interest. More especially would they doubt, where the *interest* of the party swearing, would offer any inducement to a violation of the oath.

In criminal prosecutions, the accused cannot "be compelled to give evidence against himself;" and the committee are at present advised of no principle of policy or expediency, which would require this innovation in the mode of trial in civil cases, long practiced, and generally well understood. They therefore recommend the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petition.

Mr. Tod, from the standing committee on the judiciary, to which petitions on that subject had been referred, reported a bill to amend the act to provide for the taking of depositions; which was read the first time.

Mr. Tod, from the standing committee on the judiciary, to which petitions on that subject had been referred, made the following report; which was agreed to, to wit:

The judiciary committee, to whom was referred the petition of sundry citizens of Putnam county, praying the passage of a law protecting Thomas Harmer in the use of certain water power, report:

That the petitioners alledge in their petition, that said Harmer has expended about three thousand dollars in the erection of mills on Blanchard's river, that said mills are of great convenience to the citizens of that county, and they pray the legislature to grant to said Harmer the privilege of using the water power of said river." Your committee cannot perceive that the legislature have the right to interfere in the matter, and therefore ask to be discharged from the further consideration of the subject.

Mr. Tod, from the standing committee on the judiciary, which was by resolution instructed to enquire into the propriety and expediency of further amending the act entitled "An act to incorporate the Sandy and Beaver canal company," and the acts amendatory thereto, so as that claimants for damages alledged to have been sustained, in consequence of the location and construction of said canal, or works connected therewith, may at their option be permitted to have their claims adjusted upon by the proper tribunals of the country, as in other cases of controversy between citizens, or proceed under the provisions pointed out by the act of incorporation alluded to, made the following report, which was agreed to, to wit:

The standing committee on the judiciary, as directed by a resolution of the Senate, have enquired into the expediency of so amending the act incorporating the "Sandy and Beaver canal company" as to



allow claimants for damages sustained by means of the location and construction of said canal, to apply to our courts for relief, report:

That by the provisions of the charter of said company, three commissioners are selected by the court of common pleas, for the purpose of assessing damages. The committee are authorized to suppose that the gentlemen selected in this instance are men of integrity; and as it is made their duty to examine personally the situation of the property claimed to be injured, your committee can see no substantial reason why they would be more likely to err in passing upon the claims, than a jury, who from necessity must rely for information upon the opinions of others. This subject has been frequently presented for the consideration of the legislature, and they have uniformly concurred in the opinion, that the most equitable method of assessing damages in cases like the one under consideration, is that provided in the creation of this company. Several reports have been made at length upon this subject. Your committee therefore ask to be discharged from the further consideration of said resolution.

On motion of Mr. Walton,

The further consideration of the resolution was indefinitely postponed.

Mr. Tod, from the standing committee on the currency, to which was recommitted the bill providing for the appointment of a board of bank commissioners, and for the regulation of banks within this State, reported the same back with sundry amendments; which were agreed to.

The bill was then further amended, and the question being on ordering the bill to a third reading, Mr. Tod demanded the yeas and nays, which were ordered, and were, yeas 19, nays 14; as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Stadden, Thompson, Tod, Utter, Walton, White and Speaker—19.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Tracy, Vanmetre and Wade—14.

So the question was decided in the affirmative and the bill was ordered to be read a third time on to-morrow.

Mr. James, from the select committee to which was recommitted the bill to amend the act entitled An act to authorize the corporations therein named to grant licenses, &c., passed Feb. 18, 1830, reported the same back with one amendment; which was agreed to.

The question then being, "shall the bill pass?" it was taken and carried.

Ordered that the title be as aforesaid, and that the concurrence of the House be requested.

The following bills were then severally read the second time, committed to a committee of the whole Senate and made the order of the day for this day, to wit:

(S. No. 125.) A bill to authorize the construction of a canal from the Ohio canal near Clinton, to Wooster in Wayne county;

(S. No. 126.) A bill to provide for draining the Gervais pond, Scioto county;

(H. No. 168) An act for the relief of Frederick A. Abbott;

(H. No. 169) An act to incorporate the Nelsonville toll bridge company in the county of Athens.

The following bill of the Senate was read the third time and passed, to wit:

An act to incorporate the Hancock hydraulic company.

Ordered that the title be as aforesaid, and that the concurrence of the House be requested.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to attach part of township nineteen and range seventeen, in the county of Licking to the county of Perry;

A bill establishing the Ohio river bank;

A bill relating to fugitives from labor or service from other States.

Attest, W. H. BLODGET, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has disagreed to the amendment of the Senate to the resolution of the House, providing for the printing of certain copies of the bill fixing the times of holding judicial courts.

The House has agreed to the resolution of the Senate, providing for certain elections on Friday next, with sundry amendments, to which the concurrence of the Senate is requested.

Attest, W. H. BLODGET, Clerk.

On motion of Mr. Smith,

The Senate insisted upon their amendment to the resolution of the House providing for the printing of the act to regulate the times of holding the judicial courts.

Ordered that the House be informed thereof.

The amendment of the House to the resolution of the Senate providing for certain elections on Friday next, was amended and agreed to.

Ordered that the House be informed thereof.

Mr. Morris offered the following resolution; which was agreed to, to wit:

*Resolved*, That the standing committee on roads and highways be instructed to enquire into the expediency of so amending the law, entitled "An act for opening and regulating roads and highways," as to vest the county commissioners with the power of reducing the width of county roads to forty feet.

Mr. Green, pursuant to previous notice, asked and obtained leave, and introduced the following bills, to wit:

A bill to incorporate the conference printing establishment in Circleville, Pickaway county, Ohio.

A bill to incorporate the first church of the united brethren in Christ, of Circleville, Pickaway county, Ohio.

The bills were severally read the first time.

Mr. Powers, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the trustees of the Cuyahoga Falls institute; which was read the first time.

Mr. Holmes gave notice, that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to amend the act entitled an act to incorporate and establish the city of Cincinnati, and for revising and repealing all laws, and parts of laws, heretofore enacted on that subject.

Mr. Holmes gave notice, that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill authorizing the city of Cincinnati to purchase and conduct the Cincinnati water works.

On motion of Mr. Matthews,

The bill (S. No. 25) to provide for the extension of the Walhonding canal up the Killbuck creek to Millersburg, in the county of Holmes, was taken up.

The question being on ordering the bill to be engrossed, Mr. Matthews demanded the yeas and nays, which were ordered, and were yeas 14, nays 13, as follows, to wit:

Yeas—Messrs. Allen, Birch, Brady, Craighill, Green, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Saylor, Stadden, Vanmetre, and Speaker—14.

Nays—Messrs. Bates, Cox, Fuller, Harlan, Holmes, Morris, Rodgers, Smith, Spangler, Tod, Tracy, Utter, and Wade—13.

So the question was carried, and the bill was ordered to be read the third time on to-morrow.

Mr. Thompson, on leave, from the joint select committee appointed to visit and examine the Farmers' Bank of Canton, made following report, to wit:

(See Appendix, T, p. 33.)

On motion of Mr. Thompson,

The report was laid upon the table.

Mr. Holmes, pursuant to previous notice, asked and obtained leave, and introduced a bill to amend the act entitled An act to incorporate the Cincinnati and Whitewater canal company, passed April 1st, 1837; which was read the first time.

A message from the House of Representatives.

Mr. Speaker:

The following bill has been reported to the House and read the first time, to wit:

36 s.



A bill to incorporate the St. John's church at Wakeman, in the county of Huron.

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to provide for the more effectual punishment of certain offences in the county of Scioto;

A bill to authorize the holding of special courts in the county of Cuyahoga.

The following bills have been reported to the House and read the first time, to wit:

A bill to regulate the fees of clerks in cases of naturalization;

A bill to incorporate the Conneaut lyceum;

A bill to encourage the manufacture of beet sugar;

A bill to incorporate the town of Petersburg, in the county of Columbiana;

A bill to extend the limits of the town of Plymouth, in Richland and Huron counties;

A bill to incorporate the Frieder's German reformed and evangelical Lutheran church, in the county of Clark;

A bill to remunerate Ephraim Cutler for services rendered and expenses paid as commissioner on schools and school lands;

A bill to incorporate the Bolivar and Loudonville McAdamized or turnpike company;

A bill to incorporate a bank in the town of Steubenville, Jefferson county;

A bill to amend the act entitled an act to incorporate the town of Dayton, in Montgomery county, and the several acts amendatory thereto.

The House has passed a resolution providing for printing 5,000 extra copies of the fifteenth annual report of the board of canal commissioners, for the use of the General Assembly and said board;

Also, a resolution for printing the same number of copies of the annual report of the canal fund commissioners; to which the concurrence of the Senate is requested.

The following bill has been reported to the House and read the first time, to wit:

A bill to authorize the school directors of the borough of Ashtabula to remit the tax for building school houses in certain cases.

Attest, W. H. BLODGET, *Clerk.*

The bills from the House were read the first time.

The resolutions from the House were amended and agreed to.

Ordered that the House be informed thereof, and that their concurrence be requested.

On motion of Mr. Morris,

The Senate resolved itself into a committee of the whole, Mr. Tod in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported back the following bill without amendment, to wit:

A bill to incorporate the free church of Warrenton, in the county of Jefferson.

The following bills were reported back with sundry amendments, to wit:

A bill to incorporate the town of Lower Sandusky;

A bill for the relief of certain lessees of section sixteen, in Columbia township, Hamilton county.

On motion of Mr. Powers,

The bill and amendments were laid upon the table.

Mr. Powers, a member of the joint select committee to visit and examine the condition of the farmers' bank of Canton, stated, that he wished a journal entry made of the fact, that he did not wholly concur in the report this day presented to the Senate by the chairman of said committee.

Mr. Powers offered the following resolution, to wit:

*Resolved*, That the depositions and other evidence taken by the committee to investigate the affairs of the farmers' bank of Canton, be attached to the report of said committee and printed with it.

On motion of Mr. Spangler,

The resolution was laid upon the table.

On motion of Mr. Thompson,

The report of the select committee appointed to investigate the affairs of the Canton bank, was taken up and recommitted to the committee that reported it.

Mr. Spangler offered the following resolution, to wit:

*Resolved*, That the clerk of the Senate be authorized to appoint an additional clerk for his assistance for the remainder of the session.

On motion of Mr. Smith,

The resolution was laid upon the table.

On motion of Mr. Powers,

The bill to incorporate the town of Lower Sandusky was taken up, and recommitted to the committee that reported it.

On motion of Mr. Holmes,

The bill for the relief of certain lessees of school section 16, in Columbia township, Hamilton county, was taken up and recommitted to the committee that reported it.

On motion of Mr. Smith,

The Senate then adjourned,

Attest:

C. J. McNULTY, *Clerk*.

THURSDAY, *February 7, 1839.*

The Senate met pursuant to adjournment.

Mr. Bates presented petitions and remonstrances from citizens of Lucas county, for and against the removal of the seat of Justice of said county; which were referred to the standing committee on new counties.

Mr. Green presented a petition from citizens of Pickaway county, praying the passage of a general banking law; which was laid upon the table.

Mr. Smith presented a petition from citizens of Warren and Clinton counties, praying the incorporation of a company to construct a turnpike road from Waynesville, in Warren county, to Wilmington, in Clinton county; which was referred to Messrs. Smith and Morris.

Mr. Morris presented petitions from citizens of Clinton county, praying the incorporation of a company to construct a turnpike road from Waynesville, in Warren county, to Wilmington, in Clinton county; which were referred to the select committee on that subject.

Mr. Tracy presented a petition and accompanying papers from G. G. Baker and other citizens of Huron county, praying for certain relief; which were referred to the standing committee on the judiciary.

Mr. Powers presented a petition from citizens of Portage county, praying the incorporation of a company to construct a turnpike road from Wellsville to Cleveland; which was referred to the same committee of the whole Senate, to which had heretofore been committed the bill incorporating said company.

Mr. Spangler presented a petition from citizens of Athens county, praying to be attached to the county of Hocking; which was referred to the standing committee on new counties.

Mr. Rodgers presented a petition from citizens of Scioto and Lawrence counties, praying for an amendment of the act to incorporate the Portsmouth and Hanging Rock turnpike company, and for the extension of the same; which was laid upon the table.

Mr. McLaughlin presented a petition from citizens of Richland county, praying an appropriation from the State for the improvement of the road leading from Mt. Vernon to Mansfield, in said county; which was referred to the standing committee on claims.

Mr. Tod presented a memorial from William L. Knight of Trumbull county, praying an amendment of the act regulating the duties of justices of the peace; which was referred to the standing committee on the judiciary.

Mr. Allen presented a petition from citizens of Delaware county, praying the construction of a canal from Columbus to some point on Lake Erie; which was referred to the standing committee on canals.

Mr. Shannon presented the petition of sundry citizens of Belmont county, praying legislative encouragement to the culture of silk; which was referred to the standing committee on agriculture, commerce and manufactures.



Mr. Stokely presented petitions from citizens and residents of the county of Jefferson, complaining of the evil of intemperance, and praying the prohibition of the sale of ardent spirits, by special enactment; which were laid upon the table.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (S. No. 59) regulating sales at auction, in the county of Hamilton; reported the same back without amendment, and recommended the passage thereof.

On motion of Mr. Walton,

The bill was laid upon the table.

Mr. Walton, from the standing committee on the judiciary, which was by resolution instructed to inquire into the expediency of passing a law to enable the vender of real estate to recover from the purchaser, the taxes which he may be compelled to pay on real estate sold upon credit, and which taxes shall accrue after the purchaser shall have entered into and obtained full possession of such real estate, made the following report: which,

On motion of Mr. Harlan,

Was laid upon the table.

(See Appendix, O, page 28.)

Mr. Smith, from the standing committee on the judiciary, to which the petition of Robert Boys of Trumbull county, for a divorce from his wife Clarinda Boys, was referred, made the following report: which,

On motion of Mr. Tod,

Was laid upon the table.

(See Appendix, Q, page 30.)

Mr. Walton, from the standing committee on the judiciary, to which was referred the petition of sundry citizens of Sandusky county, praying an amendment of the law defining the duties of county surveyor, made the following report, which was agreed to, to wit:

The standing committee on the judiciary to which was referred the petition of sundry citizens of Sandusky county, praying the alteration of the law defining the duties of county surveyor, have had the same under consideration and report:

That in the opinion of your committee, the proposed alteration or amendment would, in many cases, tend to the embarrassment of the duties of county commissioners in the performance of the same under the laws in relation to the laying out of roads and highways. They, therefore think legislation inexpedient, and offer for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petitions.

Mr. Cox, from the joint committee on enrollment, reported that said

committee had examined and found duly enrolled the following bills, to wit:

An act to prohibit the issuing and circulation of small bills;

An act to prohibit the establishment within this State of any branch, office or agency of the United States Bank of Pennsylvania, or any other bank or corporation incorporated by the laws of any other state or by the laws of the United States, and for other purposes;

An act prohibiting the sale of section sixteen in Hanover township, in the county of Columbiana;

An act to authorize the county commissioners of Portage county to increase the tax in said county, for county purposes;

An act to incorporate the Blendon young men's seminary;

An act to incorporate the town of Quincy, in the county of Logan.

Mr. Cox also reported that the same committee had deposited in the office of the Secretary of State and taken his receipt for the following acts and resolution, to wit:

An act to authorize the town council of the town of Newark to open, lay out and widen certain streets and alleys, in said town;

An act to incorporate the Martinsburg academy, in the county of Knox;

An act to divorce Harriet Houck from her husband Jonathan T. Houck;

An act to incorporate the Geauga silk company;

An act to incorporate the grand lodge of the independent order of odd fellows of the State of Ohio;

An act to reduce the corporate limits of the town of Centreville, in Montgomery county;

An act to extend the provisions of an act entitled an act to provide for the internal improvement of the State of Ohio by navigable canals;

An act to incorporate the town of Greenville;

An act to authorize the commissioners of Sandusky county to borrow money;

An act to change the name of John A. Seaman to John A. Harrison;

An act to incorporate the first universalist society of Akron, in the county of Portage;

Resolution calling on the board of canal commissioners for certain information.

Mr. McLaughlin, from the select committee on that subject, reported a bill to incorporate the Bellville rail road company; which was read the first time.

The following bills were then severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 127.) A bill to amend an act to incorporate the Portsmouth and Hanging Rock turnpike company, passed April 1st, 1837;

(S. No. 128.) A bill to amend the act to provide for taking of depositions;

(S. No. 129.) A bill to incorporate the conference printing establishment, in Circleville, Pickaway county, Ohio;

(S. No. 130.) A bill to incorporate the first church of the united brethren in Christ, of Circleville, Pickaway county, Ohio;

(S. No. 131.) A bill to incorporate the trustees of the Cuyahoga Falls institute;

S. No. 132.) A bill to amend the act to incorporate the Cincinnati and White-water canal company, passed April 1st, 1837;

(H. No. 171.) An act to provide for the more effectual punishment of certain offences in the county of Scioto.

The following bill was read the second time, and

On motion of Mr. Fuller,

Committed to a committee of the whole Senate, and made the special order of the day, for to-morrow:

(H. No. 224.) An act to authorize the holding of special courts in the county of Cuyahoga.

The following bill of the Senate was read the third time, to wit:

An act to provide for the extension of the Walhonding canal up the Killbuck Creek to Millersburg, in the county of Holmes.

The question being,

Shall the bill pass?

Mr. Matthews demanded the yeas and nays, which were ordered.

Mr. Utter moved a call of the Senate, which was ordered, and upon calling the names, it appeared that the following members were absent, viz: Messrs. Holmes, Powers, Shideler, Thomas and Vanmeter—5.

Mr. Utter moved that the Sergeant-at-arms be despatched after the absentees; which was agreed to.

Mr. James moved to amend the bill by way of ryder, by adding the following as a fifth section, to wit:

Sec. 5. The sums authorized to be borrowed under this act shall in no one year exceed the sum of two hundred thousand dollars, nor shall the whole amount borrowed under this act, at any time, exceed the sum of four hundred thousand dollars; and it shall be the duty of the Auditor of State to compute, annually, the amount of money needed to pay the interest on such loans, and to direct the county auditors to lay a sufficient amount in connection with other canal taxes to meet said interest after applying the nett tolls of said canal.

Upon this question, Mr. Wade called for the yeas and nays, which were ordered, and were, yeas 14, nays 19; as follows, to wit:

Yeas—Messrs. Bates, Cox, Fuller, Harlan, James, Oliver, Rodgers, Smith, Stokely, Spangler, Tod, Tracy, Utter and White—14.

Nays—Messrs. Allen, Birch, Brady, Craighill, Green, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Powers, Shannon, Saylor, Stadden, Thompson, Vanmetre, Walton and Speaker—19.

So the question was decided in the negative.

Mr. Tod then moved to recommit the bill to the committee that reported it, with instructions to amend the bill as follows, to wit:

1st. Sec. 3, line 9, strike out "commissioners of the canal fund," and insert "auditor of state."

2d. Strike out the fourth section of the bill and insert the following, to wit:



Sec. 4. That the auditor of state shall from time to time, on receiving such certified estimates from the board of canal commissioners, compute the amount of money needed to pay said sums, and to direct the county auditors to levy a sufficient amount to pay the same.

Upon this question, Mr. Matthews demanded the yeas and nays, which were ordered.

Mr. Harlan moved that the further consideration of the bill be indefinitely postponed,

Upon which question, Mr. Matthews demanded the yeas and nays, which were ordered, and were, yeas 17, nays 17; as follows, to wit:

Yeas—Messrs. Bates, Cox, Fuller, Harlan, Holmes, James, Morris, Oliver, Rodgers, Smith, Stokely, Spangler, Tod, Tracy, Uter, Wade and White—17.

Nays—Messrs. Allen, Birch, Brady, Craighill, Green, Hostetter, Ihrig, Matthews, McLaughlin, Powers, Shannon, Saylor, Stadden, Thompson, Vanmeter, Walton and Speaker—17.

So the question was decided in the negative.

Mr. Tod then asked leave to withdraw his motion to recommit the bill, which was granted.

The question then recurred upon the final passage of the bill; upon which question the yeas and nays were demanded, and were, yeas 17, nays 17—as follows, to wit:

Yeas—Messrs. Allen, Birch, Brady, Craighill, Green, Hostetter, Ihrig, Matthews, McLaughlin, Powers, Shannon, Saylor, Stadden, Thompson, Vanmeter, Walton and Speaker—17.

Nays—Messrs. Bates, Cox, Fuller, Harlan, Holmes, James, Morris, Oliver, Rodgers, Smith, Stokely, Spangler, Tod, Tracy, Uter, Wade and White—17.

So the question was decided in the negative.

On motion of Mr. Harlan,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

FRIDAY, Feb. 8, 1839.

The Senate met pursuant to adjournment.

Mr. Bates presented a petition from citizens of Hardin county, praying the passage of an act to authorize the commissioners of said county to subscribe to the capital stock of the Mad river and lake Erie railroad company; which was laid upon the table.

Mr. Bates presented remonstrances from citizens of Lucas county, against the removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Morris presented a petition from colored persons residing in Clinton county, praying the repeal of certain laws therein named.

Mr. Stadden having objected to the reception of the petition,

The chair announced the question to be,

Shall the petition be received?

Upon which question, Mr. Holmes demanded the yeas and nays; which were ordered, and were, yeas 19, nays 16; as follows, to wit:

Yeas—Messrs. Bates, Birch, Cox, Fuller, Green, Harlan, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Saylor, Shideler, Thomas, Tracy, Vanmeter, Wade, and White—19.

Nays—Messrs. Allen, Brady, Craighill, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Shannon, Spangler, Stadden, Tod, Utter, Walton, and Speaker—16.

So the question was decided in the affirmative, and the petition was received.

Mr. Allen moved that the further consideration of the petition be indefinitely postponed, upon which question Mr. Morris asked for the yeas and nays; which were ordered, and were, yeas 20, nays 15; as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Green, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Rodgers, Shannon, Spangler, Shideler, Stadden, Tod, Utter, Vanmeter, Walton, and Speaker—20.

Nays—Messrs. Birch, Cox, Fuller, Harlan, James, Morris, Oliver, Powers, Smith, Stokely, Saylor, Thomas, Tracy, Wade, and White—15.

So the question was carried.

Mr. Fuller presented a petition from citizens of Cuyahoga county, praying the incorporation of the Fulton iron company; which was referred to Mr. Fuller.

Mr. Stokely presented a petition from citizens of Guernsey county, praying a change of the name of the Philomathian literary institute; which was referred to the standing committee on colleges and universities.

Mr. Oliver, from the standing committee on agriculture, commerce and manufactures, to which was recommitted the bill, (S. No. 56,) to incorporate the Huron county silk company, reported the same back with sundry amendments; which were agreed to, and the bill was ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

Mr. Allen, from the standing committee on new counties, to which petitions on that subject had been referred, reported a bill to erect the county of Mohican, and to attach part of the county of Coshoc-ton to that of Holmes; which read the first time.

Mr. Bates, from the select committee on that subject, reported a bill to incorporate the Kalida steam mill company; which was read the first time.

Mr. Fuller, from the select committee on that subject, reported a bill to incorporate the Fulton iron company; which was read the first time.

Mr. Vanmeter, from the select committee on that subject, reported a bill to authorize the fund commissioners of Ross county to loan the surplus revenue to the county commissioners of said county; which was read the first time.

Mr. Stadden, from the select committee on that subject, reported a bill to incorporate the Freedonia social library in the county of Licking; which was read the first time.

Mr. Smith, from the select committee on that subject, reported a bill to incorporate the Waynesville and Wilmington turnpike company; which was read the first time.

Mr. Walton, from the select committee on that subject, reported a bill to authorize a special election in Guernsey county; which was read the first time.

The following bill was read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 33.) A bill to incorporate the Belville railroad company.

The following bill of the Senate was read the third time and passed, to wit:

An act for the relief of Norman C. Baldwin.

Ordered that the title be as aforesaid, and that the concurrence of the House be requested.

The following bill of the House was read the third time, to wit:

An act providing for the appointment of bank commissioners, and for the regulation of banks within the State of Ohio.

The question being,

Shall the bill pass?

Mr. Tod demanded the yeas and nays; which were ordered.

Mr. Thomas moved to amend the bill, by way of ryder, as follows:

Sec. 18. At end of sec. add: *Provided, also*, that if any of the debts, moneys or other assets of such bank shall be lost or impaired in value through the management or misconduct of the commissioners in charge of such bank, the stockholders shall not be liable therefor.

Upon this question the yeas and nays were demanded, and were, yeas 14, nays 22; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Oliver, Powers, Smith, Stokely, Thomas, Tracy, Vanmeter, and Wade—14.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, White, and Speaker—22.

So the question was lost.

Mr. James moved to amend the bill, by way of ryder, as follows, to wit:



Add as sec. 23: No commissioner appointed under this act shall directly or indirectly be a borrower from any bank or moneyed corporation in this State, nor shall they sell to any such bank any bill, draft, or check on any bank or person in this State or elsewhere.

Upon this question the yeas and nays were demanded, and were, yeas 17, nays 19; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmeter, Wade, and White—17.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, and Speaker—19

So the question was lost.

Mr. James then moved to amend the bill as follows, to wit:

Add as sec. 24: No bank in this State shall act as an agent or depository of the government of the United States, or any sub-treasurer thereof; but they shall henceforth be divorced, and all connection between them dissolved.

Upon this question, the yeas and nays were called, and were, yeas 4, nays 32; as follows, to wit:

Yeas—Messrs. James, Oliver, Stokely, and Wade—4.

Nays—Messrs. Allen, Bates, Birch, Brady, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Powers, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Thomas, Tracy, Utter, Vanmeter, Walton, White, and Speaker—32.

So the question was lost.

Mr. Harlan then moved to amend the bill, by way of rider, by adding as sec. 23, the following, to wit:

That the bank commissioners to be appointed under this act, shall not enter into the duties of their offices, until they have given bond, with good securities, to be approved by the governor of the state of Ohio, in the sum prescribed in the first section of this act.

Upon this question the yeas and nays were demanded, and were—yeas 17, nays 19—as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmeter, Wade, and White—17.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Shideler, Saylor, Stadden, Thompson, Tod, Utter, Walton and Speaker—19.

So the question was lost.

The question then recurred upon the final passage of the bill; which was taken, and decided in the affirmative, as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, White and Speaker—20.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmetre and Wade—16.

Ordered, that the title be as aforesaid, and that the house be informed thereof.

Mr. Tod, on leave, from the standing committee on the judiciary, to which petitions on that subject had been referred, reported a bill to amend the act entitled, an act to amend the act entitled an act to authorize the making of indexes to the judicial records in the county of Hamilton, and in other counties in this state, passed March 16, 1836, and for other purposes, passed January 26, 1838; which was read the first time.

A message from the House of Representatives:

Mr. Speaker:

The house has passed the following bills, to which the concurrence of the senate is requested, to wit:

A bill to regulate incorporated literary societies;

A bill to lay out and establish a state road in the counties of Stark and Portage;

A bill to change the name of the town of Columbia, in the county of Putnam, to that of Pendleton;

A bill to incorporate the wardens and vestry of St. Andrew's church in Elyria, Lorain county.

The house has passed the following bill of the senate with one amendment, to which the concurrence of the senate is requested, to wit:

A bill to incorporate the Ashland academy, in the county of Richland.

The House has passed the following bill of the Senate without amendment, to wit:

A bill to incorporate the Lower Sandusky hydraulic association.

Attest,

W. H. BLODGET, *Clerk*.

The bill from the House was read the first time.

The amendment of the house to the bill of the senate, to incorporate the Ashland academy, in the county of Richland, was agreed to.

Ordered, that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The house has disagreed to the amendments of the senate, to the

resolutions of the house providing for printing extra copies of the reports of the board of canal commissioners, and the canal fund commissioners.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Thompson,

The senate recessed from their amendments to the resolution from the house.

Ordered that the house be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to encourage the culture of silk;

A bill to extend the corporate limits of Columbus;

A bill for the relief of owners of land within the Mercer county reservoir.

The house has passed the following bills of the senate, to wit:

A bill for the relief of Hugh Murray;

A bill to provide for the appointment of wreck masters, and defining their duties.

The following bills have been reported to the House and read the first time, to wit:

A bill supplementary to an act making certain instruments of writing negotiable, passed Feb. 25, 1820;

A bill to establish a state road in the counties of Monroe and Guernsey;

A bill for the relief of school district No. 6, in Dayton township, in Montgomery county, Ohio;

A bill to incorporate the union German reformed church, in the county of Clark;

A bill to lay out and establish a graded state road in the county of Guernsey;

A bill to lay out and establish a graded state road in the counties of Carroll and Harrison;

A bill to incorporate the wardens and vestry of St. Barnabas church, in New Hagerstown, Carroll county;

A bill to improve Mill creek by slackwater navigation;

A bill to incorporate the Dayton silk company.

Attest,

W. H. BLODGET, *Clerk.*

The bills from the House were read the first time.

A message from the House of Representatives.

Mr. Speaker:

The house insists upon its disagreement to the amendment of the senate to the resolution of the house, providing for printing certain ex-



tra copies of the bill to regulate the times of holding the judicial courts.

The house has agreed to the amendment of the senate to the amendments of the house, to the resolution of the senate providing for certain elections.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Smith,

The senate adhered to their amendment to the resolution from the house.

Mr. Tod, from the standing committee on the judiciary, on leave, made the following report; which was agreed to, to wit:

The standing committee on the judiciary, to whom was referred the petition of Robert Reed, having duly examined and considered the same Report:

That the petitioner prays such an alteration of the law regulating the duties of the county commissioners, as to place all of their official acts under the control of the supreme court; and to show the necessity of the measure, he refers to the proceedings of the commissioners of Clark county, in which he was personally interested. The 16th section of the act establishing boards of county commissioners, provides "that if any person shall conceive himself aggrieved by the decision of the commissioners, *in any case*, they may appeal to the next court of common pleas, where they can have their matter adjudicated upon by said court and a jury." The law regulating the practice of our courts of common pleas, permits a party feeling himself aggrieved by the decision of said court, to have said decision reviewed by the supreme court. Your committee, therefore, deem the law as it now exists, ample for the protection of our citizens; and recommend the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of said petition, and that the petitioner have leave to withdraw the same.

On motion of Mr. Spangler,

The resolution authorizing the clerk of the senate to appoint an additional assistant clerk, was taken up and agreed to.

Mr. Tracy gave notice, that on to-morrow or some subsequent day of the present session, he should ask leave to introduce a bill to incorporate the Norwalk hook and ladder company.

Mr. Holmes, pursuant to previous notice, asked and obtained leave, and introduced a bill authorizing the city of Cincinnati to purchase and conduct the Cincinnati water works; which was read the first time.

Mr. Cox moved that an additional member be appointed on the committee on enrollment; which was agreed to.

Mr. Utter gave notice that he would on to-morrow or some subsequent day of this session, ask leave to introduce a bill to incorporate the Clermont agricultural seminary.

Mr. Bates offered the following resolution, to wit:

*Resolved by the Senate and House of Representatives*, That the sec.

retary of state be authorized to furnish twenty additional copies of the statutes of Ohio, to the clerk of the court of common pleas of Lucas county, for the use of said county.

On motion of Mr. Spangler,

The resolution was laid upon the table.

Mr. Holmes, pursuant to previous notice, asked and obtained leave, and introduced a bill further to amend the act to incorporate and establish the city of Cincinnati, and for revising and repealing all laws heretofore enacted on that subject; which was read the first time.

Mr. Bates offered the following resolution; which was agreed to, to wit:

*Resolved*, That the standing committee on railroads and turnpikes, be instructed to inquire into the expediency of appointing a superintendent of railroads and turnpikes in which the state is interested.

Mr. Powers offered the following resolution, to wit:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the forty-seventh section of the act passed March 14, 1831, entitled, an act prescribing the duties of county auditors, as to extend the provisions of that section to all lands forfeited to the state for non payment of taxes, previous to the passage of said act; and providing more effectually for the computation of the taxes, interest and penalties, which would have accrued on said lands, if they had been regularly continued on the duplicate for taxation.

On motion of Mr. Powers,

The resolution was laid upon the table.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill authorizing the erection of the Miami canal feeder;

A bill to incorporate the second presbyterian church of Newark, in Licking county;

A bill to incorporate the trustees of the Ravenna female seminary.

The hall of the House is now ready for the reception of the Senate to proceed to the election of certain officers, in pursuance of the joint resolution heretofore adopted for that purpose.

Attest,

W. H. BLODGET, Clerk.

The Senate then, preceded by their Speaker and clerk, repaired to the hall of the House of Representatives, and being seated within the bar of the House, both Houses, in pursuance of a joint resolution heretofore adopted, proceeded to elect one associate judge for the county of Monroe, and upon counting the ballots, the following was announced to be the result, to wit:

For David Kirkbride.....	59 votes.
Blanks.....	10

David Kirkbride having received the votes of a majority of all the members of the General Assembly, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected associate judge of the county of Monroe, to serve for the constitutional term of seven years from and after the 7th day of February, 1839.

The Houses next proceeded to elect one associate judge for the county of Monroe, and upon counting the ballots the following appeared to be the result, to wit:

For Robert Green.....	59 votes.
Blanks.....	9

Robert Green having received the votes of a majority of all the members of the General Assembly, was by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected an associate judge for the county of Monroe, to serve for the constitutional term of seven years from and after the 22d day of Feb. 1839.

The Houses next proceeded to elect an auditor of state, and the following was the result:

For John Brough.....	55 votes.
Blanks.....	48

John Brough having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected auditor of state to serve for the legal term of three years from and after the 15th day of March next.

The House next proceeded to elect a secretary of state, and the following was the result:

For Carter B. Harlan.....	73 votes.
Blanks.....	31

Carter B. Harlan having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected secretary of state to serve for the legal term of three years from and after the 12th day of Feb. 1839.

The Houses next proceeded to elect a state librarian, and the following was the result:

For Zachariah Mills.....	57 votes.
Jacob Boswell.....	50

It appearing, after a call of the Houses, that more votes had been given than there were members present, the Speaker of the Senate.



in the presence of both Houses, declared the ballot to be void and of non effect.

The Houses again proceeded to ballot for state librarian, and the following was the result:

For Zachariah Mills .....	56 votes.
Jacob Boswell.....	51

Zachariah Mills having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected state librarian, to serve for the legal term of three years from and after the 30th day of January, 1839.

The Houses next proceeded to elect an associate judge for the county of Warren, and the following was the result:

For William J. Mickle.....	53 votes.
Egbert T. Smith.....	50
Blanks.....	2

William J. Mickle having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected an associate judge for the county of Warren, to serve for the constitutional term of seven years from and after the end of the present session of the General Assembly.

The Houses next proceeded to elect two associate judges for the county of Shelby, and the following was the result:

For Albert K. Hathaway.....	59 votes.
John Francis.....	57
Blanks and scattering.....	38

Albert K. Hathaway and John Francis having received the votes of a majority of all the members of the General Assembly, were, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected associate judges for the county of Shelby, to serve for the constitutional term of seven years from and after this day.

The Houses next proceeded to elect a major general of the 5th division of the Ohio militia, and the following was the result:

For Robert Mercer.....	71 votes.
Rufus Putnam.....	23
Blanks .....	6

Robert Mercer having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected major general of the 5th division of the Ohio militia.

The Houses next proceeded to elect an associate judge for the county of Delaware, and the following was the result:

For Ahab Jenks.....	56 votes.
Blanks and scattering ...	20

Ahab Jenks having received the votes of a majority of all the members of the General Assembly, was, by the Speaker of the Senate, in presence of both Houses, declared to be duly elected associate judge of the county of Delaware, to serve for the constitutional term of seven years from and after the 7th day of Feb. 1839.

The elections being through with,

The Senate retired to their chamber.

On motion of Mr. Powers,

The resolution instructing the standing committee on the judiciary to inquire into the expediency of amending the act prescribing the duties of county auditors, was taken up and agreed to.

Mr. Bates moved that the Senate reconsider the vote taken yesterday, on the final passage of the bill to provide for the extension of the Walhonding canal up the Killbuck creek to Millersburg in the county of Holmes; upon which question, Mr. Wade demanded the yeas and nays, which were ordered, and were, yeas 23, nays 9, as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Craighill, Green, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Powers, Rodgers, Stokely, Shannon, Saylor, Sheidler, Stadden, Thompson, Thomas, Vanmetre, White and Speaker—23.

Nays—Messrs. Fuller, Harlan, Morris, Smith, Spangler, Tod, Tracy, Utter and Wade—9.

So the question was decided in the affirmative.

On motion of Mr. Matthews,

The bill was recommitted to the committee that reported it.

Mr. Stokely gave notice that he should ask leave on to-morrow, or some subsequent day of the present session, to introduce a bill to amend the act entitled "An act to regulate the times of holding the judicial courts."

On motion of Mr. Tod,

The resolution in relation to printing the evidence taken by the joint select committee appointed to visit and examine the affairs of the farmer's bank of Canton, was taken up.

Mr. Powers moved to amend the resolution by inserting the following words after the word "evidence": excepting the names of the debtors to the bank; upon which question he called for the yeas and nays, which were ordered: pending which question,

On motion of Mr. Spangler,

The resolution was recommitted to the joint select committee appointed to examine the affairs of the "Farmer's Bank of Canton."

On motion of Mr. Green,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

SATURDAY, *February 9, 1839.*

The Senate met pursuant to adjournment.

Mr. Spangler presented a petition from citizens of Fairfield county, praying a change in the route of the Lancaster and Columbus turnpike road; which was referred to the standing committee on rail roads and turnpikes.

Mr. Spangler presented a petition from citizens of Hocking county, in relation to the incorporation of the town of Logan in said county; which was committed to the same committee of the whole Senate, to which had heretofore been committed the bill to incorporate said town.

Mr. Ihrig presented sundry petitions from citizens of Wayne county, praying the repeal of the law abolishing imprisonment for debt; which were referred to the standing committee on the judiciary.

Mr. Morris presented a petition from citizens of Clinton county, praying a repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. Powers presented a petition from citizens of Portage county, praying the repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. McLaughlin presented a petition from citizens of Richland county, praying the incorporation of the mechanics' society of Richland county; which was referred to Mr. McLaughlin.

Mr. Harlan presented a petition from citizens of the Mad river valley, remonstrating against the construction of the feeder canal from West Liberty to Piqua; which was referred to the standing committee on canals.

Mr. Tracy presented a remonstrance from citizens of Huron county, against the repeal of the law incorporating the town of Florence in said county; which was committed to the same committee of the whole Senate to which had heretofore been committed bill No. 104 of the Senate.

Mr. Holmes presented a memorial from the president and directors of the Hamilton, Springfield and Carthage turnpike company, asking an amendment to the charter of said company; which was referred to a select committee of two, to wit, Messrs. Holmes and Saylor.

Mr. Matthews presented a petition from citizens of Coshocton county, praying the repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. Matthews presented a petition from citizens of Coshocton county, praying an increase of the size of a lock on the Muskingum river near the mouth of Simm's creek; which was referred to the standing committee on canals.

Mr. White presented the petition of Mary Ann Campbell and eighty-five other females of Ripely, Brown county, praying the passage of a law securing to every human being in this State, the right of trial by jury



in all cases where his or her liberty is in question; which was referred to the standing committee on the judiciary.

Mr. White presented the petition of Amanda D. Humphrey and eighty-three other females of Ripely, Brown county, praying the repeal of all laws in this State, which make any distinction among its inhabitants on account of color; which was referred to the standing committee on the judiciary.

Mr. Fuller presented a petition from citizens of Cuyahoga county, praying the passage of a general banking law; which was laid upon the table.

Mr. Stokely presented a petition from citizens of Jefferson county, praying the incorporation of a church; which was referred to Mr. Stokely.

Mr. White, from the standing committee on enrollment, reported that they had examined and found duly enrolled the following act, to wit:

An act to regulate the time of holding the judicial courts.

Mr. Saylor, from the standing committee on rail roads and turnpikes, made the following report; which was agreed to, to wit:

The standing committee on rail roads and turnpikes, to whom a petition was referred, asking for an act to construct a turnpike road through Lucas county to the northern boundary of the State, report:

The committee recommend the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petition be postponed to the first Monday of December next.

Mr. Saylor, from the standing committee on railroads and turnpikes, made the following report; which was agreed to, to wit:

The standing committee on rail roads and turnpikes, to whom a petition was referred, asking for an act to incorporate a company to construct a railroad from St. Mary's in Mercer county to the State line in the direction of Fort Wayne in the State of Indiana, report:

That upon examination it appears that a company was incorporated by an act, passed March 14, 1836, to construct a railroad from Piqua in Miami county, through St. Mary's in Mercer county, to the State line, in the direction of Fort Wayne in the State of Indiana; which charter will expire by its own limitation on the 14th of March next.

The petitioners request the repeal of the aforesaid act of incorporation, and ask the legislature to incorporate a company to construct a railroad from St. Mary's to the State line, in the direction of Fort Wayne, as aforesaid.

The committee therefore recommend the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petition be postponed to the first Monday of December next.

Mr. Saylor, from the standing committee on railroads and turnpikes, made the following report, which was agreed to, to wit:

The standing committee on railroads and turnpikes, to whom a petition was referred requesting the State to construct a McAdamized road from the bridge across the Maumee river at Maumee city, to the State line, through Sylvania, report:

That the committee have come to the conclusion that it would not be good policy for the State to commence the construction of the aforesaid road at this time.

The committee therefore recommend the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petition be postponed to the first Monday of December next.

Mr. McLaughlin, from the select committee on that subject, reported a bill to incorporate the mechanics' society of Richland county.

Mr. Thompson, from the joint select committee appointed to visit and examine the condition of the Farmers' Bank of Canton, to which was recommitted the report of said committee, reported the same back amended; and

On motion of Mr. Thompson,

The report was laid upon the table.

Mr. Thompson, from the joint select committee to visit and examine the affairs of the Farmers' Bank of Canton, to which was referred the resolution instructing said committee to present with their report, all evidence in relation to said institution, in their possession, made the following report, to wit:

(See Appendix, p. 59.)

Mr. Powers moved to recommit the report to the committee which reported it, with instructions to report back the amendment moved by him on yesterday to the resolution moved by him on a former day, and which was on yesterday while said amendment was pending, committed to said committee.

Upon this question, Mr. Powers demanded the yeas and nays; which were ordered, and were, yeas 28, nays 6; as follows, to wit:

Yeas—Messrs. Bates, Birch, Fuller, Green, Harlan, Hostetter, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Tod, Thomas, Tracy, Utter, Vanmeter, Wade, White, and Speaker—28.

Nays—Messrs. Brady, Craighill, Holmes, Stadden, Thompson, and Walton—6.

So the question was decided in the affirmative.

Mr. Tracy, from the select committee to which was recommitted the bill, (S. No. 61,) to incorporate the Huron and Mount Vernon turnpike

or McAdamized road company, reported the same back with sundry amendments, some of which were agreed to; when,

On motion of Mr. Spangler,

The bill with the pending amendments were recommitted to the standing committee on railroads and turnpikes.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 134.) A bill to incorporate the Kalida steam mill company;

(S. No. 135.) A bill to incorporate the Fulton iron company;

(S. No. 136.) A bill to authorize the fund commissioners of Ross county to loan the surplus revenue to the county commissioners of said county;

(S. No. 137.) A bill to incorporate the Fredonia social library in the county of Licking;

(S. No. 138.) A bill to incorporate the Waynesville turnpike company;

(S. No. 139.) A bill to erect the county of Mohican and to attach part of the county of Coshocton to that of Holmes;

(S. No. 140.) A bill to authorize a special election in Guernsey county;

(S. No. 141.) A bill to amend an act entitled, an act to amend the act entitled an act to authorize the making of indexes to the judicial records in the county of Hamilton, and in other counties in this State, passed March 16, 1836, and for other purposes," passed January 26, 1838;

(S. No. 142.) A bill further to amend the act to incorporate and establish the city of Cincinnati, and for revising and repealing all laws and parts of laws heretofore enacted on that subject;

(S. No. 143.) A bill authorizing the city of Cincinnati to purchase and conduct the Cincinnati water works;

(H. No. 145.) An act to encourage the culture of silk;

(H. No. 153.) An act for the relief of owners of lands within the Mercer county reservoir;

(H. No. 174.) An act to extend the corporate limits of Columbus;

(H. No. 175.) An act to change the name of the town of Columbia in the county of Putnam to that of Pendleton;

(H. No. 177.) An act to incorporate the wardens and vestry of St. Andrew's church in Elyria, Lorain county;

(H. No. 178.) An act to regulate incorporated literary societies;

(H. No. 181.) An act to lay out and establish a State road in the counties of Stark and Portage.

The following bill of the Senate was read the third time and passed, to wit:

An act to incorporate the Huron county silk company.

Ordered that the title be as aforesaid, and that the concurrence of the House be requested.



A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to create a lien in certain cases, in the township of Zanesville;

A bill to incorporate the town of Nelsonville, in the county of Athens;

A bill to incorporate the town of Patrick, in the county of Gallia;

A bill to attach a part of the county of Lawrence to the county of Gallia;

A bill to incorporate the first congregational church and society of Parma, in the county of Cuyahoga;

A bill to incorporate the Brooklyn centre academy.

The house has passed a resolution providing for printing extra copies of the report of the directors of the institution for the instruction of the blind, to which the concurrence of the senate is requested.

The house adheres to its disagreement to the amendments of the senate to the resolution of the house, providing for printing extra copies of the act to regulate the times of holding the judicial courts.

The following bills have been reported to the House and read the first time, to wit:

A bill ceding to the United States the jurisdiction of certain lands in the township of Huron, in the county of Huron, for a certain purpose;

A bill ceding to the United States the jurisdiction of certain land on Cedar point entrance of Sandusky bay, in the county of Erie, for certain purposes;

A bill to amend an act passed February 25, 1825, to improve the state of Ohio by navigable canals, and for the adjustment of claims for damages that may hereafter arise in consequence of the construction of the public works of this state.

The Speaker of the House has signed the following enrolled bills to which the signature of the Speaker of the Senate is also requested, to wit:

An act to prohibit the establishment within this state, of any branch, office or agency of the United States Bank of Pennsylvania, or any other bank or corporation incorporated by the laws of any other state, or by the laws of the United States, and for other purposes;

An act to incorporate the town of Quincy, in the county of Logan;

An act to incorporate the Blendon young men's seminary;

An act to authorize the county commissioners of Portage county to increase the tax in said county for county purposes;

An act prohibiting the sale of section sixteen, in Hanover township, in the county of Columbiana;

An act to prohibit the issuing and circulation of small bills.

Attest, *W. H. BLODGET, Clerk.*

Thereupon,

The Speaker of the senate signed the enrolled bills from the house.

The resolution from the House was agreed to.

Ordered that the House be informed thereof.

Mr. Oliver moved that senate bill No. 38, of the unfinished business of last session, amendatory to the several acts incorporating the Cincinnati, Columbus and Wooster turnpike company; which was agreed to, and the same was referred to the standing committee on railroads and turnpikes.

Mr. Oliver gave notice that he would on Monday or some subsequent day of the present session, ask leave to introduce a bill to incorporate the Cincinnati silk company.

On motion of Mr. Fuller,

The senate resolved itself into a committee of the whole, Mr. Saylor in the chair, on the bill (H. No. 224) to authorize the holding of special courts in the county of Cuyahoga; and the same was reported back with one amendment, which was agreed to.

The bill was then further amended, when,

Mr. Matthews moved to amend the bill after the word "capital," in the 1st sec. 4th line, by inserting the words "or imprisonment in the penitentiary;" upon which question he demanded the yeas and nays, which were ordered, and were—yeas 9, nays 24—as follows, to wit:

Yeas—Messrs. Bates, Craighill, Ihrig, Matthews, McLaughlin, Morris, Stadden, Thompson and Tod—9.

Nays—Messrs. Birch, Brady, Fuller, Green, Harlan, Holmes, Hostetter, James, Oliver, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Thomas, Tracy, Utter, Vanmetre, Wade, White and Speaker—24.

So the question was lost.

The bill was then ordered to be read a third time on Monday next, in order to its final passage.

On motion of Mr. Saylor,

The senate resolved itself into a committee of the whole, Mr. Stokely in the chair, on the bill (H. No. 80) for the relief of Abner Enoch; and the same was reported back with one amendment, which was agreed to; and,

On motion of Mr. James,

The bill was recommitted to the standing committee on the judiciary.

On motion of Mr. Wade,

The bill (S. No. 20) to suspend for one year the operation of the general internal improvement law, was taken up; and pending several motions to amend.

On motion of Mr. McLaughlin,

The further consideration of the bill was postponed until Monday next.

Mr. Thompson, from the select committee to visit and examine the affairs of the Canton Bank, to which was recommitted the special report of said committee, with instructions to report back the amendment

offered by Mr. Powers on yesterday, to the resolution offered by him on a former day, and committed to said committee, made the following report:

(See Appendix, p. 72.)

On motion of Mr. Spangler,

The report and instructions were laid upon the table.

Mr. Stokely, pursuant to previous notice, asked and obtained leave, and introduced a bill to amend an act entitled, an act regulating the times of holding the judicial courts; which was read the first time.

Mr. Tracy, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the Norwalk hook and ladder company of Haron county; which was read the first time.

Mr. Tod offered the following resolution; which was amended on motion of Mr. Thomas, so as to require the printing of the names of the debtors to the bank, and agreed to, as follows:

*Resolved*, That the several reports made by the joint select committee appointed to examine into the affairs of the Canton Bank, together with the evidence by them submitted, including the names of the debtors to the bank, with the amount of the indebtedness of each, and when that indebtedness occurred; also the motion made by Mr. Powers, to amend the resolution referred to said committee on yesterday, be printed.

On motion of Mr. James,

The Senate adjourned until Monday morning, 10 o'clock.

Attest,

C. J. McNULTY, *Clerk*.

MONDAY, *February 11*, 1839.

The Senate met pursuant to adjournment.

Mr. Bates presented petitions from citizens of Wood county praying the passage of an act authorizing the commissioners of said county to subscribe to the capital stock of the Bellefontaine and Perrysburg railroad company, and to borrow money; which was referred to Mr. Bates.

Mr. Tod presented a petition from citizens of Trumbull county, praying an amendment to the law regulating the duties of justices of the peace; which was laid upon the table.

Mr. Tod presented a petition from citizens of Trumbull county, praying the repeal of the law abolishing imprisonment for debt; which was referred to the standing committee on the judiciary.

Mr. White presented a petition from citizens of Brown county, praying the passage of a law prohibiting the sale of ardent spirits; which was referred to the standing committee on the judiciary.

Mr. Ihrig presented a petition from citizens of Wayne county, pray-



ing the construction of a canal from Clinton to Wooster, in said county; which was laid upon the table.

Mr. Powers presented a petition from citizens of Portage and Medina counties, praying the passage of a general banking law; which was referred to the standing committee on the currency.

Mr. Powers presented a petition from citizens of the Western Reserve, praying the passage of a law providing for the collection of taxes by township collectors, and also for the passage of a law allowing juries before justices of the peace:

On motion of Mr. Powers,

So much of said petition as relates to the collection of taxes was referred to the standing committee on finance, and the remaining part thereof was laid upon the table.

Mr. Powers presented a petition from inhabitants of Portage county, praying the prohibition of the sale of ardent spirits, except as a medicine; which was laid upon the table:

Mr. Wade presented petitions from citizens of Cincinnati, praying the passage of a law making towns and cities liable for damages done by mobs; also for the repeal of certain laws imposing disabilities upon persons of color, and for the passage of resolutions in relation to the subject of slavery.

On motion of Mr. Wade,

So much of said petitions as relates to the destruction of property by mobs, was referred to the select committee on that subject; so much thereof as relates to the extension of the benefits of the school laws to persons of color, was referred to the standing committee on schools and school lands; and the remaining parts thereof, were referred to the standing committee on the judiciary.

Mr. Wade presented petitions from citizens of Geauga county, protesting against the admission of any slaveholding State into the confederacy, praying the extension of the right of trial by jury, and the repeal of certain laws imposing disabilities upon persons of color; which were referred to the standing committee on the judiciary.

Mr. Wade presented petitions from ladies of Cincinnati, praying the extension of the right of trial by jury, the repeal of all laws imposing disabilities upon persons of color, the passage of a law making towns and cities liable for damage done by mobs, and in relation to the power of Congress over the subject of slavery in the District of Columbia and the territories.

On motion of Mr. Wade,

So much of said petitions as relates to the destruction of property by mobs, was referred to the select committee on that subject; so much as relates to an amendment of the school laws, was referred to the standing committee on schools and school lands; and the remaining parts thereof were referred to the standing committee on the judiciary.

Mr. Spangler, from the standing committee on finance, to which was recommitted the bill defining the duties of the canal commissioners, the canal fund commissioners, and the Auditor of State, reported the same

back without amendment; and the question being on ordering the bill to a third reading, it was taken and lost.

Mr. Morris, from the standing committee on railroads and turnpikes, to which petitions on that subject had been referred, made the following report, which was agreed to, to wit:

The standing committee on railroads and turnpikes, to whom was referred the petition of sundry citizens of the State of Ohio, praying a survey to be made from Newark, in Licking county, to St. Mary's, in Mercer county, for the purpose of ascertaining the feasibility of a rail road between the two points, have had the subject under consideration, and now report:

That the distance between the points for which a survey for a railroad is requested by the petitioners, your committee are informed, is about one hundred and twenty miles; and without expressing any opinion as to the practicability or utility of the improvement contemplated by the petitioners, taking into view the State debt and liabilities, and the character of the improvement contemplated, which heretofore uniformly has been constructed by incorporated companies, and the expenses incurred by the location and survey thereof paid by the companies respectively, your committee are brought to the conclusion that the prayer of the petitioners ought not to be granted, and recommend the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petition.

Mr. White, from the joint committee on enrollment, reported that they had examined and found duly enrolled the following bills, to wit:

An act to amend the act entitled An act to incorporate the town of Portsmouth, in the county of Scioto;

An act to authorize the commissioners of Champaign county to borrow money;

An act to incorporate the Roscoe iron company, in the county of Coshocton.

Mr. Utter, from the standing committee on claims, to which was referred petitions from citizens of Knox and Richland counties, praying an appropriation for a certain road, asked that the committee be discharged from the further consideration thereof, and recommended that the same be referred to the standing committee on roads and highways; which was agreed to.

Mr. Matthews, from the standing committee on canals, made the following report; which was agreed to, to wit:

The standing committee on canals, to whom were referred the resolution authorizing the Canal Commissioners "to cause a survey to be made of the most practicable rout for a canal between the feeder at Columbus and the waters of Mad river, and report thereon, together with an estimate of the expense thereof, to the next General Assembly," have had the subject under consideration, and now report:

That they are fully sensible of the importance of a connection between our two leading canals, and have no hesitation in recommending a survey for the purpose of ascertaining the practicability of the rout proposed, or one having in view the same objects; but they also believe that in making said survey the Canal Commissioners ought to be confined to no specific points for commencement, or termination.—As there is now before the Senate another resolution upon the same subject, which does not direct a survey to be commenced at any fixed point, but leaves the whole matter at the discretion of the commissioners, your committee recommend the adoption of the following resolution.

*Resolved*, That the resolution now under consideration be indefinitely postponed, and that the committee be discharged from the further consideration thereof, and also the resolution referring so much of the Governor's Message as relates to the same subject.

The resolution from the House was accordingly indefinitely postponed.

Ordered, that the House be informed thereof.

Mr. Oliver, from the standing committee on agriculture, commerce and manufactures, to which petitions on that subject had been referred, made the following report; which was agreed to, to wit:

The standing committee on agriculture, commerce and manufactures, to which was referred the memorial of sundry citizens of Miami county, praying that the office of fence viewer may be abolished, and the duties transferred to arbitrators to be chosen by the parties in interest, have had the same under consideration and report:

The memorialists complain that the people in electing fence viewers frequently associate very opposite characters, such as a minister of the gospel and a degraded worthless man, thereby turning the office into ridicule.

The office in question is part of the internal organization of townships, provided for in a general law; and your committee cannot agree that the abuse of the franchise by thoughtless and capricious individuals is a good cause for abolishing the office now in general use. Nor do they believe the proper modification would work as well as the present system. If people suffer, as is complained, it is but just punishment for their indiscretion.

Your committee therefore ask to be discharged from the further consideration of the subject, and the memorialists have leave to withdraw their petition.

Mr. Oliver, from the standing committee on agriculture, commerce and manufactures, made the following report; which was agreed to, to wit:

The standing committee on agriculture, commerce and manufactures, to which was referred the memorial of certain millers, asking an increase of toll on mills operated by steam, have considered the subject and report:



That the current of information within the reach of the committee, seems to establish the fact, that existing laws regulating tolls are but little observed. Proprietors of mills generally operate for their own account, and when they do country work it consists in exchanging the ground stuff for grain, without much regard to the tolls prescribed by law. The law, perhaps, might as well be repealed.

There are sections of country in the State, where water power cannot be commanded, and steam mills ought to be encouraged, but how to adjust the matter satisfactory to all concerned, your committee think a difficult task. They ask to be discharged from the subject, and that the memorial be withdrawn.

Mr. Bates, from the select committee on that subject, reported a bill to authorize the commissioners of Wood and Hancock counties, to subscribe to the capital stock of the Bellefontaine and Perrysburg railroad company, and to borrow money; which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole senate, and made the order of the day for this day, to wit:

(S. No. 144.) A bill to incorporate the mechanics' society of Richland county;

(S. No. 145.) A bill to incorporate the Norwalk hook and ladder company of Huron county;

(S. No. 146.) A bill to amend an act entitled, an act regulating the times of holding the judicial courts.

The following bill of the house was read the third time and passed, to wit:

An act to authorize the holding of special courts in the county of Cuyahoga.

Ordered, that the title be as aforesaid, and that the concurrence of the house be requested.

Mr. Thompson offered the following resolution; which was agreed to, to wit:

*Resolved by the Senate,* That the board of canal commissioners be requested to report to the senate, at the earliest day possible, a copy of a report drawn up by Mr. Forrer, in the case of Abner Enoch, in the year 1836, together with all other papers in their possession and not heretofore submitted, on that subject.

On motion of Mr. Matthews,

The senate resolved itself into a committee of the whole, Mr. Bates in the chair, on the bill (S. No. 72) to incorporate the Marietta and Harmar bridge company; and the same was reported back with one amendment, which, together with the bill, was,

On motion of Mr. Tod,

Recommitted to the standing committee on railroads and turnpikes.

On motion of Mr. Stadden,

The committee of the whole were discharged from the further consideration of the bill (H. No. 92) to amend the act making provision

for carrying into effect the acts for the punishment of crimes, passed Feb. 26, 1835.

And the same was taken up and recommitted to the standing committee on the penitentiary.

Mr. Thompson offered the following resolution; which was agreed to, to wit:

*Resolved by the Senate,* That the board of canal commissioners be requested to report to the senate, at the earliest day possible, all papers and information in their possession, in relation to the claim of Caleb Imlay, together with their opinions on that subject.

On motion of Mr. Tod,

The senate resolved itself into a committee of the whole, Mr. Smith in the chair, on the orders of the day; and after some time spent therein, the committee rose, and reported back the bill (S. No. 76) to authorize the directors of the school district composed of the town of Troy, in the county of Miami, to borrow money, with one amendment; which was agreed to, and the bill was ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

Also the bill (S. No. 73) to provide for the appointment of measurers and inspectors of cord wood in the counties of Scioto, Jackson and Lawrence, and defining their duties, with sundry amendments; which were agreed to, and the bill was ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

Also the bill (H. No. 73) to provide for the incorporation of towns, with sundry amendments; which together with the bill, were,

On motion of Mr. Thomas,

Recommitted to the standing committee on the judiciary.

Mr. Powers, on leave, from the select committee on that subject, reported a bill to amend the act to incorporate the village of Middlebury, in the county of Portage, passed February 2, 1838; which was read the first time.

On motion of Mr. Tod,

The senate again resolved itself into a committee of the whole, Mr. Vanmetre in the chair, on the bill (H. No. 76) to provide for the more effectual punishment of certain offences in the county of Cuyahoga; and the same was reported back without amendment, amended, and ordered to be read a third time on to-morrow, in order to its final passage.

On motion of Mr. Thompson,

The committee of the whole were discharged from the further consideration of the bill (S. No. 73) to change the name of John Evans to John Lewis Evans; and,

On motion of Mr. Thomas,

The bill was laid upon the table.

On motion of Mr. Tracy,

The committee of the whole were discharged from the further consideration of the bill (H. No. 78) to vacate certain alleys in the town of New Haven, in the county of Huron; and the same was taken up

and ordered to be read a third time on to-morrow, in order to its final passage.

On motion of Mr. Holmes,

The senate resolved itself into a committee of the whole. Mr. Holmes in the chair, on the bill (H. No. 85) to incorporate the Liverpool and Massillon McAdamized road company; and the same was reported back without amendment, and ordered to be read a third time on to-morrow, in order to its final passage.

On motion of Mr. Holmes,

The senate again resolved itself into a committee of the whole, Mr. Powers in the chair, on the orders of the day; and after some time spent therein, the committee rose, and reported back the bill (H. No. 185) to incorporate the Jackson academy, in the county of Jackson, with sundry amendments; which were agreed to; and,

On motion of Mr. Vanmetre,

The further consideration of the bill was indefinitely postponed.

Also the bill (H. No. 107) to authorize the county commissioners of the counties of Madison, Clark and Green, to subscribe to the capital stock of any turnpike road company, or turnpike road companies, when such road or roads shall enter into or pass through any of the said counties, or either of them, without amendment; and,

On motion of Mr. James,

The bill was laid upon the table.

Also, the bill, (H. No. 110,) to lay out and establish a State road in the counties of Cuyahoga, Medina, and Wayne with sundry amendments; which were agreed to, and the bill was ordered to be read a third time on to-morrow.

Also, the bill, (H. No. 82,) to lay out a graded State road in the counties of Richland and Holmes, with sundry amendments; which were agreed to, and the bill was further amended and ordered to be engrossed for its third reading in order to its final passage on to-morrow.

On motion of Mr. Thomas,

The committee of the whole were discharged from the further consideration of the bill to incorporate the Salem township baptist church in Muskingum county, and the same was taken up, and ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

Mr. Stadden, on leave, from the standing committee on the penitentiary, to which was recommitted the bill to amend the act making provision for carrying into effect the acts for the punishment of crimes, passed February 26, 1835, reported the same back with one amendment; which was agreed to.

The question being on ordering the bill to a third reading, Mr. Thomas demanded the yeas and nays; which were ordered, and were, yeas 22, nays 8; as follows, to wit:

Yeas—Messrs. Bates, Birch, Craighill, Fuller, Holmes, Hostetter, Ihrig, James, Matthews, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Vanmeter, and Wade—22.



Nays—Messrs. McLaughlin, Morris, Oliver, Thompson, Thomas, Tracy, White, and Speaker—8

So the question was carried, and the bill was ordered to be read a third time on to-morrow in order to its final passage.

Mr. James offered the following resolution; which was agreed to, to wit:

*Resolved*, That the committee on the judiciary inquire whether any amendments be necessary to the laws relating to apprentices.

Mr. Ihrig offered the following resolution; which was agreed to, to wit:

*Resolved*, That the select committee on unfinished business be instructed to report to the Senate, so much of the unfinished business of the session in the year 1833, as relates to the claim of Caleb Finemore.

On motion of Mr. Holmes,

The Senate resolved itself into a committee of the whole, Mr. Ihrig in the chair, on the bill, (H. No. 40,) to vacate part of a State road in the county of Columbiana, and the same was reported back without amendment; and

On motion of Mr. Hostetter,

Recommitted to Mr. Hostetter.

On motion of Mr. Bates,

The Senate took up the resolution providing that the clerk of the court of Lucas county shall be furnished with certain copies of the revised statutes, and the same was amended; and

On motion of Mr. Smith,

Recommitted to the standing committee on the judiciary.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill amendatory of an act entitled, an act for the punishment of certain offences, passed March 8, 1831;

A bill to incorporate the Venice and Milton turnpike company;

A bill to incorporate the Roseville and Deavertown turnpike road company;

A bill to amend the act to incorporate the Westchester, Middletown and Winchester turnpike company;

A bill to abolish capital punishment;

A bill in relation to licenses by city and town authorities, for the sale of spiritous liquors;

A bill in relation to the duty of sheriffs and the sale of lands upon execution;

A bill to incorporate the Malta lyceum;

The House has passed a resolution providing for the adjournment of the General Assembly to which the concurrence of the Senate is requested.

The House has passed a resolution providing for forwarding the report of the select committee of the House on the three per cent fund—to the secretary of the treasury of the United States, and the members of Congress from this State, to which the concurrence of the Senate is requested.

The House has agreed to the amendments of the Senate to the bill of the House to incorporate the town of M'Connellsville.

The House has agreed to the amendments of the Senate, to the bill of the House, to authorize the holding a special court in the county of Cuyahoga.

Attest,

W. H. BLODGET, *Clerk.*

Mr. Thompson moved to lay the resolution from the House, providing for an adjournment of the General Assembly, on the table, upon which question, Mr. Matthews demanded the yeas and nays; which were ordered, and were, yeas 10, nays 21; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Fuller, Hostetter, Shannon, Spangler, Thompson, Tracy, and White.—10.

Nays—Messrs. Craighill, Holmes, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Saylor, Shideler, Stadden, Tod, Thomas, Utter, Vanmeter, Wade, and Speaker—21.

So the question was lost.

Mr. Holmes moved to amend the resolution by striking out "the 4th," and insert "the 11th."

Mr. Ihrig called for a division of the question, and the question then turned on striking out, upon which question, the yeas and nays were demanded, and were, yeas 15, nays 16; as follows, to wit:

Yeas—Messrs. Bates, Birch, Fuller, Holmes, Hostetter, Ihrig, James, McLaughlin, Stokely, Shannon, Spangler, Thompson, Thomas, White, and Speaker—15.

Nays—Messrs. Allen, Craighill, Matthews, Morris, Oliver, Powers, Rodgers, Smith, Saylor, Shideler, Stadden, Tod, Tracy, Utter, Vanmeter, and Wade—16.

So the question was lost.

Mr. Thompson then moved to postpone the further consideration of the resolution until Monday next, upon which question the yeas and nays were demanded; which were ordered.

Mr. James moved the previous question; which was seconded.

The chair then announced the question to be,

Shall the main question be now put?

Upon which question, Mr. Utter demanded the yeas and nays; which were ordered, and were, yeas 12, nays 19; as follows, to wit:

Yeas—Messrs. Allen, Birch, Fuller, James, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Vanmeter, and Wade—12.

Nays—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Powers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, White, and Speaker—19.

So the question was lost:

The question then recurred upon postponing the resolution until Monday next; which was taken, and decided in the negative, as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Fuller, Hostetter, Ihrig, McLaughlin, Shannon, Spangler, Saylor, Stadden, Thompson, and White—13.

Nays—Messrs. Birch, Holmes, James, Matthews, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Shideler, Tod, Thomas, Tracy, Utter, Vanmeter, Wade, and Speaker—18.

So the question was decided in the negative.

Mr. Utter then moved to recommit the resolution to the standing committee on finance with instructions to strike out "the fourth," and insert "the eleventh."

Mr. Thomas called for a division of the question, and the question then turned on the recommitment alone, upon which question, Mr. Matthews demanded the yeas and nays; which were ordered.

Mr. Thompson moved that the Senate adjourn, upon which question Mr. Matthews demanded the yeas and nays; which were ordered, and were, yeas 10, nays 20; as follows, to wit:

Yeas—Messrs. Bates, Fuller, Hostetter, Ihrig, McLaughlin, Rodgers, Thompson, Tracy, White, and Speaker—10.

Nays—Messrs. Birch, Craighill, Holmes, James, Matthews, Morris, Oliver, Powers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Thomas, Utter, Vanmeter, and Wade—20.

So the question was decided in the negative.

The question then recurred upon the recommitment, which was taken and decided in the negative, as follows, to wit:

Yeas—Messrs. Bates, Craighill, Fuller, Hostetter, Ihrig, McLaughlin, Shannon, Spangler, Saylor, Stadden, Thompson, Tod, Utter, White, and Speaker—15.

Nays—Messrs. Birch, Holmes, James, Matthews, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Shideler, Thomas, Tracy, Vanmeter, and Wade—15.

So the question was decided in the negative.

Mr. Thomas then moved to amend the instructions by striking out "the 11th of March," and inserting "the 25th of Feb.," upon which question the yeas and nays were demanded, and were, yeas 12, nays 18; as follows, to wit:

Yeas—Messrs. Birch, James, McLaughlin, Oliver, Powers, Rodgers, Stokely, Stadden, Thomas, Wade, White, and Speaker—12.

Nays—Messrs. Bates, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, Morris, Smith, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Tracy, Utter, and Vanmeter—18.

So the question was decided in the negative.

Mr. McLaughlin then moved that the Senate adjourn, upon which question the yeas and nays were demanded, and were, yeas 12, nays 18; as follows, to wit:

Yeas—Messrs. Bates, Craighill, Fuller, Hostetter, Ihrig, McLaughlin, Rodgers, Shannon, Spangler, Thompson, White, and Speaker—12.



Nays—Messrs. Birch, Holmes, James, Matthews, Morris, Oliver, Powers, Smith, Stokely, Saylor, Shideler, Stadden, Tod, Thomas, Tracy, Utter, Vanmeter, and Wade—18.

So the question was lost.

Mr. Spangler then moved to recommit the resolution to the standing committee on rail roads and turnpikes, pending which question,

On motion of Mr. Smith,

The Senate adjourned.

Attest,

C. J. McNULTY, *Clerk.*

TUESDAY, February 12, 1839.

The Senate met pursuant to adjournment.

Mr. Morris presented a petition from citizens of Brown and Highland counties, praying an extension of the Ripley and Hills' ough turnpike from Hillsborough to Washington, in Fayette county, and for the increase of the capital stock of said company to \$300,000; which was referred to a select committee of three.

The Speaker appointed Messrs. Morris, White, and Harlan, said select committee.

Mr. Morris presented a petition from citizens of the counties of Brown, Highland, and Fayette, praying the passage of a law authorizing the county commissioners of said counties to subscribe to the capital stock of the Ripley and Hillsborough turnpike company, and that the said county commissioners be authorized to borrow money for that object; which was referred to the select committee on that subject.

Mr. Bates presented petitions from citizens of the city of Toledo, in the county of Lucas, praying a special amendment of the law for the punishment of offences for said city and county; which was referred to the standing committee on the judiciary.

Mr. Powers presented a petition from citizens of the Western Reserve, praying the passage of a law providing for the collection of taxes by township collectors, and also for the allowance of juries before justices of the peace.

On motion of Mr. Powers,

So much of said petition as relates to the collection of taxes was referred to the standing committee on finance, and the remaining part thereof was laid upon the table.

Mr. Allen presented a petition from citizens of the State, praying the construction of a canal from the Columbus feeder to lake Erie, at some eligible point; which was referred to the standing committee on canals.

Mr. Allen presented a petition from citizens of the State, praying the survey of a route for a canal from West Liberty, in the county of Logan, to the Columbus feeder; which was referred to the standing committee on canals.

Mr. Fuller presented sundry remonstrances from citizens of Cuya-

Geauga county against the establishment of a superior court in the city of Cleveland, in said county; which were committed to the same committee of the whole Senate to which had heretofore been committed the bill to create said court.

Mr. Wade presented a petition from ladies of the county of Geauga, praying the repeal of all laws which make any distinction among the inhabitants of this State on account of color; which was referred to the standing committee on the judiciary.

Mr. Wade presented a petition from citizens of Geauga county, praying the repeal and amendment of the laws imposing disabilities upon persons of color.

On motion of Mr. Wade,

So much of said petition as relates to the amendment of the school laws, was referred to the standing committee on schools and school lands, and the remaining parts thereof were referred to the standing committee on the judiciary.

Mr. Thomas presented a remonstrance from citizens of Miami county against the repeal or suspension of the general internal improvement law; which was laid upon the table.

Mr. Saylor, from the standing committee on railroads and turnpikes, to which was referred the bill (H. No. 137) to incorporate the Lancaster and Columbus turnpike road company, reported the same back with one amendment, which was agreed to; and the bill was then further amended, and ordered to be read a third time on to-morrow in order to its final passage.

Mr. Matthews, from the standing committee on canals, to which was recommitted the bill (H. No. 124) for the relief of Caleb Imley, reported the same back with sundry amendments; which, together with the bill, were

On motion of Mr. Thompson,

Laid upon the table.

Mr. Morris, from the standing committee on railroads and turnpikes, to which was recommitted the bill (S. No. 61) to incorporate the Huron and Mansfield turnpike and McAdamized road company, reported the same back with one amendment; which was amended and agreed to, and the bill was ordered to be engrossed for its third reading in order to its final passage on to-morrow.

Mr. White, from the joint committee on enrollment, reported that said committee had deposited in the office of the Secretary of State, and taken his receipt for the following enrolled acts, to wit:

An act to incorporate the Blendon young men's seminary;

An act to prohibit the establishment, within this State, of any branch, office, or agency of the United States Bank of Pennsylvania, or any other bank or corporation incorporated by the laws of any other State, or by the laws of the United States, and for other purposes.

An act to prohibit the issuing and circulation of small bills;

An act to incorporate the town of Quincy, in the county of Logan;

An act to authorize the county commissioners of Portage county to increase the tax in said county, for county purposes;

An act to prohibit the sale of section sixteen in Hanover township, in the county of Columbiana.

Mr. White, from the joint committee on enrollment, reported that they had examined and found duly enrolled the following acts, to wit:

An act to incorporate the Lower Sandusky hydraulic association;

An act to incorporate the Ashland academy, in the county of Richland;

An act for the relief of Hugh Murray;

An act to provide for the appointment of wreck-masters, and defining their duties;

An act to authorize the holding of special courts in the county of Cuyahoga.

Mr. Ihrig, from the standing committee on roads and highways, to which petitions from citizens of Lucas and Henry counties were referred, made the following report, which was agreed to, to wit:

The committee on roads and highways, to whom was referred a petition praying for an appropriation of money to improve a State road in Lucas and Henry counties, have had the subject under consideration, and now report:

Your committee are of the opinion it would not be good policy to grant the prayers of the petitioners. We would offer for adoption the following resolution:

*Resolved*, That your committee be discharged from further action on the petition, and the petitioners have leave to withdraw their petitions.

Mr. Smith, from the standing committee on the judiciary, made the following report on the subject of the distribution of the revised statutes, to wit:

The standing committee on the judiciary, to which was referred certain resolutions providing for a distribution of the twenty-ninth volume of the laws of Ohio, revised, Report:

Three resolutions have been referred to the committee. The first is a resolution which passed the House on the 7th of December last, requiring the secretary of state to deliver to the member of the House of Representatives from the county of Hancock, fifteen copies of the revised statutes, volume 29, to be forwarded to the clerk of the court of common pleas of Hancock county, for the use of said county: *Provided*, The same be in the office of the secretary, and not required for the use of the General Assembly. The second is a resolution, which passed the House on the 11th day of January last, requiring the secretary of state to forward with the laws and journals of the present session of the General Assembly, ten copies of the revised



statutes of Ohio, volume 29, to the clerk of the county of Hocking; and ten copies to the clerk of the county of Jackson: *Provided*, The same remain in his office not otherwise appropriated. The third is a resolution offered in the Senate on the       day of February, instant, authorizing a distribution by the secretary of state, of twenty additional copies of volume 29 to the county of Lucas; fifteen to the county of Hancock; twelve to the county of Hocking, and ten to the county of Richland. Hancock and Hocking being embraced in both the House and the Senate resolutions.

By a joint resolution, passed on the third day of April, 1837, two hundred copies of volume 29 was directed to be distributed among twenty-four counties named in the resolution. Of that number twelve copies were appropriated to the county of Richland, and fifteen copies to the county Lucas. By a similar resolution passed March 19, 1838, one hundred and four additional copies of volume 29 were directed to be forwarded to the counties therein designated (eleven in number); of these, five copies were appropriated to the county of Lucas.

From information obtained at the office of the secretary of state, it appears that there are now in that office ninety-five copies of the revised statutes, volume 29, exclusive of those in the possession of the members of the Senate and House of Representatives. The resolutions referred to your committee, propose a distribution of sixty-seven of the ninety-five. Your committee believe that it would be inexpedient to reduce the number so low. They think it probable, that some, and perhaps *all* the counties named in the resolutions, require an additional number of that volume: but the committee have before them no evidence, nor are they in possession of any facts which would authorize them to decide in favor of one, or the other of these counties. That is a matter which they submit to the judgment of the Senate. With this statement of facts, therefore, the committee report back the resolutions for the action of the Senate without amendment, and ask to be discharged from their further consideration.

On motion of Mr. McLaughlin,

The report and resolutions were laid upon the table.

Mr. Ihrig, from the standing committee on roads and highways, to which was referred the petitions of citizens of Knox and Richland counties, made the following report which was agreed to, to wit:

The committee on roads and highways, to whom was referred a petition signed by citizens of Knox and Richland counties, praying for an appropriation of money to erect a bridge across a stream, now report:

Your committee is of the opinion that it would be impolitic to appropriate money out of the State treasury for such improvement.

There is a law now in force, authorizing the county commissioners to levy a tax for the erection of bridges.

We would recommend the adoption of the following resolution:

*Resolved*, That your committee be discharged from the further consideration of the subject, and the petitioners have leave to withdraw their petition.

Mr. Smith, from the standing committee on the judiciary, to which was referred sundry petitions on the subject of the repeal of the law abolishing imprisonment for debt, and a resolution of the Senate instructing said committee to report amendments, if any are necessary to said law; and also the bill of the House (No. 109) amendatory of said law, reported back said bill with sundry amendments; which, together with the bill,

On motion of Mr. Smith,

Were committed to a committee of the whole Senate and made the order of the day for this day.

Mr. Tod, from the standing committee on the judiciary, to which was referred the petition of Andrew Myer, of Stark county, made the following report; which was agreed to, to wit:

The judiciary committee, to whom was referred the memorial of Andrew Myer, praying for the passage of a law, preventing the overflowing of lands by mill-dams, have considered the same, and entertaining the opinion that the laws now in force are ample for the protection of the health and property of our citizens, for report recommend the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the petition, and that the petitioners have leave to withdraw the same.

Mr. Tod, from the standing committee on the judiciary, to which petitions on the subject of allowing juries before justices of the peace, was referred, made the following report, which was agreed to, to wit:

The judiciary committee, to whom was referred petitions from sundry citizens of Portage county, and also from sundry citizens of Trumbull county, praying for the passage of a law allowing juries before justices of the peace, report:

That as there is now a bill before the Senate, providing the relief prayed for, your committee ask to be discharged from the further consideration of the petitions.

Mr. Tod, from the standing committee on the judiciary, to which was referred the memorial of T. Worthington, Esq., made the following report, to wit:

The standing committee on the judiciary, to whom was referred the memorial of T. Worthington, have duly examined and considered the same, and report:

That the petitioner, for several reasons assigned in his memorial, prays to have a judgment in favor of the state against the estate of his deceased father, transferred to him, and take his bond payable on time for the same. Your committee do not perceive that there can possibly arise any question of law, in the investigation of this memorial, but are of the opinion that it is purely a question of finance. Your committee therefore being ignorant as to the financial affairs of the state, ask to be discharged from the further consideration of the memorial, and recommend that the same be referred to the standing committee on finance.

On motion of Mr. Spangler,

The report was laid upon the table.

Mr. Tod, from the standing committee on the judiciary, to which was recommitted the bill (S. No. 66) to authorize Lucius W. Leffingwell to sell certain land of his minor children, reported the same back with one amendment; which was agreed to.

The question then being on ordering the bill to be engrossed for its third reading, in order to its final passage on to-morrow,

Mr. Tod demanded the yeas and nays, which were ordered, and were, yeas 4, nays 25, as follows, to wit:

Yeas—Messrs. Holmes, Thompson, Tod, and Wade—4.

Nays—Messrs. Bates, Birch, Craighill, Fuller, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thomas, Tracy, Utter, Vanmetre, White and Speaker—25.

So the question was decided in the negative.

Mr. Hostetter, from the select committee to which was recommitted the bill (H. No. 40) to vacate part of a state road in the county of Columbiana, reported the same back with sundry amendments; which were agreed to, and the bill as amended was ordered to be read a third time on to-morrow, in order to its final passage.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 147.) A bill to authorize the commissioners of Wood and Hancock counties to subscribe to the capital stock of the Bellfontaine and Perrysburg railroad company, and to borrow money;

(S. No. 148.) A bill to amend an act entitled, an act to incorporate the village of Middlebury, in the county of Portage, passed Feb. 27, 1838.

The following bills of the senate were read the third time and passed, to wit:

An act to provide for the appointment of measurers and inspectors of cord wood, in the counties of Scioto, Jackson and Lawrence, and defining their duties;

An act to incorporate the Salem township baptist church, in Muskingum county;



An act to authorize the directors of the school district composed of the town of Troy, in the county of Miami, to borrow money;

An act to lay out a graded state road in the counties of Richland and Holmes.

This bill having been read the third time,

Mr. McLaughlin moved to amend it by way of ryder, by inserting after the word "commissioner," sec. 1, line 4, the words, "and Joshua Martin of Richland county, surveyor;" which was agreed to, and the amendment was ordered to be engrossed at the clerk's desk.

The bill as amended was then passed.

Ordered, that the titles be as aforesaid, and that the concurrence of the House be requested.

The following bills of the house were read the third time, and passed, to wit:

An act the amend the act making provision for carrying into effect the act for the punishment of crimes, passed Feb. 26, 1835;

An act to provide for the more effectual punishment of certain offences in the county of Cuyahoga;

An act to incorporate the Liverpool and Massillon McAdamized road company;

An act to lay out and establish a state road in the counties of Cuyahoga, Medina and Wayne.

Ordered, that the titles be as aforesaid, and that the House be informed thereof.

The following bill of the house was read the third time, to wit:

An act to vacate certain alleys in the town of New Haven, in the county of Huron.

The question being,

Shall the bill pass?

The yeas and nays were demanded, and were, yeas 5, nays 23, as follows, to wit:

Yeas—Messrs. Birch, Fuller, McLaughlin, Powers, and Tracy—5.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, James, Matthews, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Thomas, Utter, Wade, White and Speaker—23.

So the question was decided in the negative.

Ordered that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill to which the concurrence of the Senate is requested:

A bill to incorporate the St. Mary's library association, in the county of Mercer.

Attest, *W. H. BLODGET, Clerk.*

The bill from the House was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The house has agreed to the amendments of the senate to the bill of the house to provide for the appointment of a board of bank commissioners, and for the regulation of banks within the state of Ohio, with one amendment, to which the concurrence of the senate is requested.

Attest,

W. H. BLODGET, *Clerk*.

On motion of Mr. Smith,

The bill and amendments from the house were laid upon the table.

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the house has signed the following enrolled bill, to which the signature of the Speaker of the senate is also requested, to wit:

A bill to regulate the time of holding the judicial courts.

The House has passed the following bill, to which the concurrence of the Senate is requested, to wit:

A bill relating to fugitives from labor or service from other states.

The following bill has been reported to the house and read the first time, to wit:

A bill amendatory of an act entitled, an act for the redemption of lands and town lots sold for taxes, passed March 8. 1831.

Attest:

W. H. BLODGET, *Clerk*.

Thereupon,

The Speaker of the senate signed the enrolled bill from the house.

The bills from the House were read the first time.

On motion of Mr. James,

The senate reconsidered their vote taken yesterday, on the final passage of the bill (H. No. 41) defining the duties of the canal commissioners, the canal fund commissioners, and the auditor of state; and,

On motion of Mr. James,

The bill was laid upon the table.

The Speaker presented a special report from the board of canal commissioners, in compliance with a resolution of the senate, in relation to the claim of Abner Enoch.

On motion of Mr. Thompson,

The report was laid upon the table.

On motion of Mr. James,

The bill providing for the appointment of a board of bank commissioners, &c., was taken up, and the question being on agreeing to the amendment of the house to the amendments of the senate to said bill,

Mr. James moved to amend the amendment of the house, by adding thereto the following to wit:

And if any commissioner appointed under the provisions of this act, shall fraudulently use, or dispose of, or convert any of the assets of

any bank taken possession of by them, or placed under their possession and control, or shall wilfully mismanage or waste the same, such commissioner shall in like manner be deemed guilty of a misdemeanor, and on conviction thereof, be imprisoned in the penitentiary, and kept at hard labor for a term of not less than three years, nor more than seven years.

Upon this question,

Mr. James demanded the yeas and nays, which were ordered, and were, yeas 14, nays 16, as follows:

Yeas—Messrs. Fuller, Hostetter, James, McLaughlin, Oliver, Powers, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmetre, Wade and White—14.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Ihrig, Matthews, Morris, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter and Speaker—16.

So the question was lost.

Mr. Thompson then moved to amend the amendment of the house, by striking out all after the word "labor," to the end of the amendment, and insert in lieu thereof, "not less than ten years, nor more than twenty years."

Mr. Ihrig called for a division of the question, and the question then turned upon striking out.

Upon which question,

Mr. Thomas demanded the yeas and nays, which were ordered, and were, yeas 5, nays 25, as follows:

Yeas—Messrs. Fuller, James, Powers, Thomas, and Tracy—5.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmeter, Wade, White, and Speaker—25.

So the question was lost.

Mr. Thompson then moved that the Senate disagree to the amendment of the House, which was in the following words, to wit:

Insert at the end of 2d amendment of the Senate:

"And if any president, cashier, or other officer or agent of any banking institution in this State or stockholder therein, shall wilfully and fraudulently conceal, or in any manner dispose of any of the funds, notes, bonds, or other assets of such bank with the design of preventing the same from coming into the possession of any of the commissioners appointed under the provisions of this act, such president and cashier, agent or other person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor, not less than three, nor more than seven years."

Upon this question the yeas and nays were demanded, and were, yeas 23, nays 7; as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Ihrig, James, Matthews, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor,



Seidler, Stadden, Thompson, Tod, Tracy, Utter, Vanmeter, White, and Speaker—23.

Nays—Messrs. Fuller, Hostetter, McLaughlin, Morris, Powers, Thomas, and Wade—7.

So the question was carried, and the amendment was disagreed to.

Ordered that the House be informed thereof.

Mr. Tod, on leave, from the standing committee on the judiciary, to which was recommitted the bill, (H. No. 73,) to provide for the incorporation of towns, reported the same back without amendment, and recommended that the amendments thereto, made by the committee of the Senate be agreed to.

The amendments were then agreed to, and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Thompson offered the following resolution; which was amended and agreed to; as follows, to wit:

*Resolved by the Senate,* That the canal commissioners be requested to report to the Senate at the earliest day possible, all the evidence and papers in their possession in relation to the claim of Morris Seely.

Mr. Oliver, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the Cincinnati silk company; which was read the first time.

On motion of Mr. Matthews,

The Senate resolved itself into a committee of the whole, Mr. Tracy in the chair, on the bill, (H. No. 102,) to repeal the act incorporating the village of Brighton, and the same was reported back without amendment and ordered to be read a third time on to-morrow, in order to its final passage.

On motion of Mr. Ihrig,

The Senate again resolved itself into a committee of the whole, Mr. Thomas in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported back the following bills, to wit:

(S. No. 83.) A bill to incorporate the Alexandersville and Bellbrook turnpike road company, with one amendment; which was agreed to, and the bill was ordered to be engrossed for its third reading, in order to its final passage on to-morrow;

(H. No. 113.) An act to change the name of the town of Guilford in the county of Mercer, without amendment, and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

(H. No. 114.) An act to organize the town of Hamilton in the county of Butler, into two separate and independent school districts, without amendment, and the bill was ordered to be read a third time on to-morrow, in order to its final passage;

(H. No. 117.) An act to incorporate the Oxford female academy, with one amendment; which was agreed to; and

On motion of Mr. Tod,

The bill and amendment was recommitted to the standing committee on colleges and universities.

(H. No. 118.) An act to amend an act entitled, "an act to incorporate the trustees of Winlham school fund," passed Feb. 13, 1830, without amendment, and the bill was ordered to be read a third time on to-morrow, in order to its final passage;

(H. No. 120.) An act to incorporate the life union society, in the township of Bath, Medina county, without amendment.

On motion of Mr. Powers,

The bill was laid upon the table.

(H. No. 125.) An act to vacate certain alleys in the town of Massillon, and to establish a street in said town, with one amendment; which, with the bill, was,

On motion of Mr. Hostetter,

Laid on the table.

(H. No. 79.) An act further to amend the act entitled, "an act for opening and regulating roads and highways," passed March 14, 1831, with one amendment; which was disagreed to, and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

On motion of Mr. Spangler,

The Senate again resolved itself into a committee of the whole, Mr. Thompson in the chair, on the bill, (S. No. 84.) to incorporate the Lebanon and Hopkinsville turnpike company, and the same was reported back without amendment, and ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

On motion of Mr. Thompson,

The committee of the whole were discharged from the further consideration of the bill, (S. No. 79,) to amend an act entitled, "an act for the prevention of certain immoral practices," passed Feb. 17, 1831, and the same was taken up, and amended.

Mr. Thompson moved to amend the bill in the first section, ninth line, after the words "tavern keepers"—insert the words, "or other persons."

Upon this question Mr. Allen demanded the yeas and nays; which were ordered, and were, yeas 19, nays 7; as follows, to wit:

Yeas—Messrs. Bates, Holmes, Hostetter, Ihrig, Morris, Oliver, Smith, Stokely, Spangler, Saylor, Stadden, Thompson, Tod, Tracy, Uter, Vanmeter, Wade, White, and Speaker—19.

Nays—Messrs. Allen, Fuller, Matthews, Powers, Rodgers, Shideler, and Thomas—7.

So the question was carried.

Mr. Smith then moved to amend the bill in the first section, by striking out the following words, to wit: "or any kind of refreshment or victualing, without the consent in writing from a committee appointed for the purpose of regulating and keeping good order, or a permit from the chaplain or preacher who presides over such meeting, or place of public worship."

Upon this question Mr. Allen demanded the yeas and nays; which were ordered, and were, yeas 25, nays 2; as follows, to wit:

Yeas—Messrs. Bates, Fuller, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Spang-

ier, Saylor, Shideler, Stadden, Thompson, Tod, Thomas, Utter, Vanmeter, Wade, White, and Speaker—25.

Nays—Messrs. Allen and Tracy—2.

So the question was carried.

Mr. Spangler then moved the indefinite postponement of the bill, upon which question the yeas and nays were demanded, and were, yeas 15, nays 13; as follows, to wit:

Yeas—Messrs. Bates, Holmes, Hostetter, Ihrig, James, Morris, Rodgers, Smith, Spangler, Saylor, Tod, Utter, Vanmeter, Wade, and Speaker—15.

Nays—Messrs. Allen, Craighill, Fuller, Matthews, McLaughlin, Oliver, Powers, Stokely, Shannon, Shideler, Stadden, Thompson, and Thomas—13.

So the question was carried.

On motion of Mr. Matthews,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

WEDNESDAY, *February 13, 1839.*

The Senate met pursuant to adjournment.

Mr. Bates presented a petition from citizens of Hancock county, praying the passage of a law authorizing the commissioners of said county to subscribe stock to the Bellfontaine and Perrysburg railroad, and to borrow money; which was laid upon the table.

Mr. Bates presented a remonstrance from citizens of Lucas county, against the removal of the seat of justice of said county; which was referred to the standing committee on new counties.

Mr. Stadden presented a petition from citizens of Licking county, praying the passage of an act to authorize the court of common pleas of said county, to sell a certain church; which was referred to Mr. Stadden.

Mr. Ihrig presented a petition from citizens of Wayne county, praying the construction of a canal from Clinton, on the Ohio canal, to Wooster, in said county; which was referred to the same committee of the whole senate, to which had heretofore been committed the bill to provide for the construction of said canal.

Mr. Powers presented a petition from inhabitants of Portage county, praying the prohibition of the sale of ardent spirits, except as a medicine; which was laid upon the table.

Mr. Brady presented petitions from inhabitants of Harrison county, praying the repeal of the license laws; which were laid upon the table.

Mr. Brady presented a petition from citizens of Harrison county, in relation to the subject of the currency; which was referred to the standing committee on that subject.

Mr. Stokely presented sundry petitions from residents, male and female, of the county of Jefferson, from citizens of Hamilton county,



the city of Cincinnati, and the state, in relation to the subject of slavery, the right of trial by jury, and other matters; which were referred to the standing committee on the judiciary.

Mr. Ihrig, from the standing committee on roads and highways, to which the petition of the commissioners of Jefferson county was referred, made the following report; which was agreed to, to wit:

The committee on roads and highways, to which was referred a petition signed by the commissioners of Jefferson county, praying for an appropriation to aid in constructing a bridge across Cross creek, had the same under consideration, and now report:

Your committee have taken the subject under consideration, and are of the opinion that the prayer of the petitioners should not be granted. We would offer for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and the petitioners have leave to withdraw their petition.

Mr. Holmes, from the select committee on that subject, reported a bill to amend the act to incorporate the Hamilton, Springfield and Carthage turnpike company, passed Feb. 24, 1834; which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole Senate and made the order of the day for this day, to wit:

(S. No. 149.) A bill to incorporate the Cincinnati silk company;

(S. No. 160.) A bill to incorporate the St. Mary's library association, in the county of Mercer.

The following bill was read the second time, and,

On motion of Mr. Holmes,

Committed to a committee of the whole senate, and made the special order of the day for this day, to wit:

(H. No. 288.) A bill relating to fugitives from labor or service from other states.

The following bills of the house were read the third time and passed, to wit:

An act to provide for the incorporation of towns;

An act further to amend the act entitled, an act for opening and regulating roads and highways, passed March 14, 1831;

An act to repeal the act incorporating the village of Brighton;

An act to change the name of the town of Guilford, in the county of Mercer;

An act to organize the town of Hamilton, in the county of Butler, into two separate and independent school districts;

An act to amend an act entitled, an act to incorporate the trustees of the Windham school fund, passed Feb. 18, 1830.

Ordered, that the titles be as aforesaid, and that the house be informed thereof.

The following bill of the house was read the third time, to wit:

An act to incorporate the Lancaster and Columbus turnpike company.

On motion of Mr. Spangler,

The bill was laid upon the table.

The following bill of the house was read the third time, to wit:

An act to vacate part of a state road in the county of Columbiana.

On motion of Mr. Hostetter,

The bill was amended by way of ryder, by inserting in line 4, sec. 2, after the words "Absolom Craig," these words, "of Carroll county."

On motion of Mr. Hostetter,

The bill was then recommitted to Mr. Hostetter.

The following bills of the senate were read the third time and passed, to wit:

An act to incorporate the Huron and Mount Vernon turnpike or McAdamized road company;

An act to incorporate the Alexandersville and Bellbrook turnpike road company;

An act to incorporate the Lebanon and Hopkinsville turnpike company.

Ordered, that the titles be as aforesaid, and that the concurrence of the House be requested.

A message from the House of Representatives.

Mr. Speaker:

The house has agreed to the several amendments of the senate, to the following bills of the house, to wit:

An act to provide for the more effectual punishment of certain offences in the county of Cuyahoga;

An act to incorporate the Liverpool and Massillon McAdamized road company;

An act to lay out and establish a state road in the counties of Cuyahoga, Medina and Wayne.

Attest, W. H. BLODGET, *Clerk.*

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested:

A bill to authorize the president, recorder and trustees of the town of New Lisbon, to borrow money;

A bill for the support and better regulation of the public schools in the town of Zanesville;

A bill to divorce Mary Earle from her husband, Robert Earle;

A bill to incorporate the first presbyterian church in Hanover, in the county of Columbiana;

A bill to amend an act entitled, an act for the support and better

regulation of common schools, and to create permanently the office of superintendent;

A bill for the relief of James A. Wilkinson;

A bill to incorporate the first baptist church of Ferrysburg, Wood county;

A bill to incorporate the congregational church of Plain, in Wood county;

A bill to incorporate the Methodist episcopal church of Johnstown, in the county of Licking;

A bill for the relief of John Beatty, auditor of Clermont county.

The Speaker of the House has signed the following enrolled bills, to which the signature of the Speaker of the Senate is also requested, to wit:

An act to incorporate the Ashland academy, in the county of Richland;

An act for the relief of Hugh Murray;

An act to incorporate the Lower Sandusky hydraulic association;

An act to provide for the appointment of wreck masters, and define their duties;

An act to amend the act entitled, an act to incorporate the town of Portsmouth, in the county of Scioto;

An act to authorize the commissioners of Champaign county to borrow money;

An act to incorporate the Roscoe iron company, in the county of Coshocton;

An act to authorize the holding of special courts in the county of Cuyahoga.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

The bills from the House were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill making special appropriations for works of internal improvements for the year 1839;

A bill to amend an act entitled, an act to incorporate original surveyed townships;

A bill to incorporate the wardens and vestrymen of St. Matthew's church, in the township of Madison, county of Muskingum;

A bill to incorporate the Wilmington and Lorain turnpike road company;

A bill to incorporate the Little Hockhocking bridge company,

A bill to incorporate the New Haven hydraulic company;

A bill making a special appropriation of the three per cent fund, for the county of Knox;



A bill for the relief of David Allspaugh;

A bill to amend an act entitled, an act to incorporate the German Lutheran and presbyterian congregation, in the township of Green, in the county of Columbiana;

A bill to repeal an act providing for the election of inspectors in the county of Montgomery, passed March 1, 1834;

A bill to incorporate the master and wardens of St. John's lodge, No. 13, in the town of Dayton;

A bill to amend the act to regulate the time of holding the judicial courts;

A bill amendatory to the sixth section of an act to create permanently the office of state printer, and to define his duties, passed March 14, 1837;

A bill to authorize the commissioners of Highland county to sell or lease certain inlots in the town of New Market, in said county.

Attest,

W. H. BLODGET, Clerk.

Mr. Hostetter, from the select committee to which was recommitted the bill (H. No. 40) to vacate part of a state road in the county of Columbiana, reported the same back with one amendment; which was agreed to.

And the question being,

Shall the bill pass?

It was taken and carried.

On motion of Mr. Hostetter,

The title of the bill was so amended as to read, "an act to vacate part of a state road in the counties of Columbiana and Stark."

Ordered, that the House be informed thereof, and that their concurrence be requested.

Mr. Utter, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the Clermont agricultural seminary; which was read the first time.

Mr. Stokely, on leave, from the select committee to which the petition on that subject had been referred, reported a bill to amend an act entitled, an act to incorporate the Steubenville, Cadiz and Cambridge McAdamized road company; which was read the first time.

Mr. Spangler gave notice that he would on to-morrow or some other day of the present session, ask leave to introduce a bill to authorize the county commissioners of Fairfield county to construct a bridge across the Ohio canal.

On motion of Mr. McLaughlin,

The senate took up the resolution of the senate providing for the distribution of certain copies of the 29th volume of the revised statutes; and the same was amended, and,

On motion of Mr. Utter,

Recommitted to the standing committee on the judiciary.

On motion of Mr. Thomas,

The resolution from the house providing for the distribution of cer-

tain copies of the 29th volume of the revised statutes, was taken up and recommitted to the standing committee on the judiciary.

On motion of Mr. Saylor,

The senate resolved itself into a committee of the whole, Mr. Smith in the chair, on the orders of the day; and after some time spent therein, the committee rose and reported back the following bills without amendment, to wit:

(S. No. 86.) A bill to change the name of the town of Waterford, in the county of Tuscarawas;

(S. No. 88.) A bill to incorporate the grace church of Maumee city;

(S. No. 90.) A bill to amend an act passed 17th March, 1838, entitled, an act to establish a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, in Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county;

(S. No. 92.) A bill to authorize the county commissioners of Hardin county to subscribe to the capital stock of the Mad river and Lake Erie railroad company, and to convey certain lots;

(S. No. 91.) A bill to incorporate the first congregational church and society of the township of Huntington, in the county of Lorain;

(S. No. 94.) A bill to incorporate the wardens and vestry of Christ's church, in Huron, county of Huron;

Which bills were severally ordered to be engrossed for their third reading, in order to their final passage on to-morrow.

The following bill was reported back without amendment; and,

On motion of Mr. Bates,

Recommitted to the standing committee on railroads and turnpikes, to wit:

(S. No. 89.) A bill to incorporate the Coshocton and Cambridge turnpike road company.

The following bill was reported back with one amendment, which, together with the bill,

On motion of Mr. Holmes,

Was laid upon the table, to wit:

(H. No. 188.) An act to incorporate the western phrenological society of Cincinnati.

On motion of Mr. Spangler,

The committee of the whole were discharged from the further consideration of the following bill; and the same was ordered to be read a third time on to-morrow, in order to its final passage, to wit:

(H. No. 116.) A bill to incorporate the St. John's church of Lancaster, in Fairfield county.

On motion of Mr. James,

The senate resolved itself into a committee of the whole, Mr. Harlan in the chair, on the bill (H. No. 283) relating to fugitives from labor or service from other states; and after some time spent therein, the

committee rose, reported progress, and asked leave to sit again, which was granted.

On motion of Mr. McLaughlin,  
The Senate then adjourned.

Attest,

C. J. M'NULTY, *Clerk.*

THURSDAY, *February 14, 1839.*

The Senate met pursuant to adjournment.

Mr. Bates presented a petition from citizens of the State, praying the incorporation of the "Marengo company;" which was referred to Mr. Bates.

Mr. Bates presented petitions from engineers and others, on the Wabash and Erie canal, praying the passage of an act to prohibit the retailing of intoxicating liquors to hands engaged on said canal; which was referred to the standing committee on canals.

Mr. Bates presented a petition from citizens of the State, praying the passage of a general banking law; which was referred to the standing committee on the currency.

Mr. Bates presented a petition from citizens of Paulding county, praying the organization of said county; which was referred to the standing committee on new counties.

Mr. Bates presented a remonstrance from citizens of Williams county, against a special appropriation of the three per cent. fund of said county; which was laid upon the table.

Mr. Rodgers presented petitions from citizens of Lawrence county, for an extension of the Portsmouth and Hanging Rock turnpike roads; which were laid upon the table.

Mr. Matthews presented the petition of sundry citizens of the county of Coshocton, praying the repeal of the law granting licenses for retailing ardent spirits; which was referred to the standing committee on the judiciary.

Mr. Harlan presented a petition from citizens of Green county, praying the incorporation of the Fairfield, Yellow Springs, and Clifton turnpike road; which was laid upon the table.

Mr. Wade presented a petition from the citizens of the county of Ashtabula, in relation to the use of intoxicating liquors; which was laid upon the table.

Mr. Wade presented a petition from citizens of the State, praying the passage of an act for the relief of John B. Mahan; which was referred to the standing committee on the judiciary.

Mr. White, from the joint committee on enrollment, reported that said committee had deposited in the office of the secretary of state, and taken his receipt for the following acts, to wit:

An act authorizing the holding of special courts in the county of Cuyahoga;



An act to incorporate the Roscoe iron company, in the county of Coshocton;

An act to authorize the commissioners of Champaign county to borrow money;

An act to amend the act entitled "An act to incorporate the town of Portsmouth in the county of Scioto;

An act for the appointment of wreck-masters, and defining their duties;

An act to incorporate the Lower Sandusky hydraulic association;

An act for the relief of Hugh Murray;

An act to incorporate the Ashland academy in the county of Richland.

Mr. Morris, from the joint committee on enrollment, reported that said committee had deposited in the office of the secretary of state, and taken his receipt for the following named enrolled act, to wit:

An act to regulate the time of holding the judicial courts.

Mr. Saylor, from the standing committee on railroads and turnpikes, to which was recommitted the bill (S. No. 72.) to incorporate the Marietta and Harmar bridge company, reported the same back with sundry amendments, which were agreed to, and the bill was ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

Mr. Saylor, from the standing committee on railroads turnpikes, to which was recommitted the bill (S. No. 89.) to incorporate the Coshocton and Cambridge turnpike road company, reported the same back with sundry amendments; which were agreed to, and the bill was ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

Mr. Ihrig, from the standing committee on roads and highways, to which was referred the petition of citizens of Vanwert county, made the following report, which was agreed to, to wit:

The committee on roads and highways, to which was referred the petition signed by citizens of Vanwert county, praying the aid of the State in cutting out and bridging the State road leading from Bucyrus to Fort Wayne, through the State and canal lands, had the subject under consideration, and now report:

Your committee is of the opinion that the prayers of the petitioners should not be granted. They would offer for adoption the following resolution, to wit:

*Resolved*, That the committee be discharged from the further consideration on the subject, and the petitioners have leave to withdraw their petition.

Mr. Smith, from the standing committee on the judiciary, made the following report, to wit:

The standing committee on the judiciary, to which were recommitted resolutions providing for the distribution of certain copies of the revised statutes of Ohio, volume 29, report:

That in addition to the information communicated in the report made to the Senate on the 12th inst. they have ascertained from information derived at the office of the secretary of state, that there was furnished to the General Assembly at the sessions of 1837-8 and 1838-9, the following number of statutes, volume 29, to wit:

To the Senate, session 1837-8.....	36 volumes.
To the House, do 1837-8 .....	1 “
To the House, do 1838-9 .....	28 “
Total.....	65

All which will more fully appear by reference to the communication hereto annexed, marked (A), and made part hereof. From all the information, therefore, which has come to the knowledge of your committee, it would appear that there are only one hundred and sixty copies of volume 29 within the control of the legislature, subject to distribution. Your committee report back the two resolutions from the House, and recommend their indefinite postponement: they also report back the Senate resolution with the following amendment, to wit:

Strike out all after the word “Resolved,” and insert the following: “by the General Assembly of the State of Ohio, that the secretary of state be required, when the laws of the present session of the General Assembly shall be distributed, to forward to the clerk of the court of common pleas for the county of Lucas, fourteen copies of the revised statutes of Ohio, volume 29; to the clerk of the court of common pleas for the county of Hancock, eight copies; to the clerk of the court of common pleas for the county of Richland, five copies; to the clerk of the court of common pleas for the county of Hocking, five copies; to the clerk of the court of common pleas for the county of Jackson, seven copies; and to the clerk of the court of common pleas for the county of Mercer, five copies; for the use of their respective counties.”

(A.)

SECRETARY OF STATE'S OFFICE,  
COLUMBUS, February 13, 1839.

HON. G. J. SMITH:

Sir:

There has been furnished to the General Assembly for the sessions of 1837 and 38, and 38-9, the following number of statutes, volume 29, viz:

To the Senate, session 1837 and 8.....	36 vols.
To the House, session 1837 and 8.....	1 vol,

To the House, session 1838 and 9 ..... 28 vols.

Total.....65.

Respectfully,

For C. B. HARLAN,  
*Secretary of State,*  
JNO. M'LAUGHLIN.

The resolutions from the House were accordingly indefinitely postponed.

Ordered, that the House be informed thereof.

The amendment to the resolution of the Senate was agreed to, and the resolution, as amended, was agreed to.

Ordered to the House for concurrence.

Mr. Tod, from the standing committee on the judiciary, made the following report, which was agreed to, to wit:

The standing committee on the judiciary, to whom was referred the petition of sundry citizens of Portage county, endorsed by the gentleman who presented it, "on matters and things in general," have carefully examined the same, and find that they have heretofore reported upon all the matters therein prayed for. They therefore ask to be discharged from the further consideration of the petition.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 150.) A bill to incorporate the Clermont agricultural seminary;

(S. No. 151.) A bill to amend the act entitled An act to incorporate the Hamilton, Springfield and Carthage turnpike company, passed Feb. 24, 1834:

(S. No. 152.) A bill to amend an act entitled An act to incorporate the Steubenville, Cadiz and Cambridge McAdamized road company;

(H. No. 180.) An act for the support and better regulation of the public schools in the town of Zanesville;

(H. No. 184.) An act for the relief of James A. Wilkinson;

(H. No. 185.) An act to authorize the president, recorder, and trustees of the town of New Lisbon to borrow money;

(H. No. 186.) An act to incorporate the first presbyterian church in Hanover, in the county of Columbiana;

(H. No. 190.) An act to incorporate the congregational church of Plain, in Wood county;

(H. No. 191.) An act to incorporate the methodist episcopal church of Johnstown in the county of Licking;

(H. No. 192.) An to incorporate the first baptist church of Perrysburg, Wood county;



(H. No. 257.) An act for the relief of John Beatty, auditor of Clermont county.

The following bill was read the second time, and

On motion of Mr. Tod,

Recommitted to the standing committee on the judiciary, to wit:

(H. No. 183.) An act to divorce Mary Earle from her husband, Robert Earle;

The following bill was read the second time, and

On motion of Mr. Smith,

Recommitted to the standing committee on schools and school lands, to wit:

(H. No. 144.) An act to amend an act entitled An act for the support and better regulation of common schools, and to create permanently the office of superintendent.

The following bills of the Senate were read the third time and passed, to wit:

An act to incorporate the first congregational church and society of the township of Huntington, in the county of Lorain;

An act to incorporate the wardens and vestry of Christ's church in Huron, county of Huron;

An act to incorporate the grace church of Maumee city;

An act to change the name of the town of Waterford, in the county of Tuscarawas;

An act to authorize the county commissioners of Hardin county, to subscribe to the capital stock of the Mad river and Lake Erie railroad company, and to convey certain lots.

Upon the passage of this bill,

Mr. Allen demanded the yeas and nays, which were ordered, and were, yeas 20, nays 7; as follows, to wit;

Yeas—Messrs. Bates, Birch, Fuller, Harlan, Matthews, McLaughlin, Morris, Oliver, Smith, Stokely, Spangler, Saylor, Shideler, Stadden, Thomas, Tracy, Vanmeter, Wade, White and Speaker—20.

Nays—Messrs. Allen, Brady, Holmes, Hostetter, Ihrig, Rodgers and Tod—7.

So the question was decided in the affirmative.

Ordered, that the titles be as aforesaid, and that the concurrence of the House be requested.

The following bill of the Senate was read the third time, to wit:

An act to amend the act passed 17th March, 1838, entitled an act to establish a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, in Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county.

The question being,

Shall the bill pass?

Mr. Tod demanded the yeas and nays, which were ordered, and were, yeas 14, nays 14; as follows, to wit:

Yeas—Messrs. Birch, Craighill, Fuller, Harlan, Ihrig, Morris, Powers, Rodgers, Smith, Saylor, Shideler, Thomas, Vanmeter and Wade—14.

Nays—Messrs. Allen, Brady, Holmes, Hostetter, Matthews, McLaughlin, Stokely, Spangler, Stadden, Tod, Tracy, Utter, White and Speaker—14.

So the question was lost.

The following bills of the House were read the third time and passed, to wit:

An act to incorporate the St. John's church of Lancaster, in Fairfield county;

An act to incorporate the Lancaster and Columbus turnpike company.

Ordered, that the titles be as aforesaid, and that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill making appropriation for building bridges on the Marietta, Bridgeport and Wellsville road;

A bill to enlarge the corporate limits of the town of Zanesville, and to authorize the extension of certain streets therein;

A bill to incorporate the Bank of Canal Dover, in Tuscarawas county;

A bill to incorporate the town of Springfield, in the county of Hamilton;

A bill to extend the time of payment by the purchasers of section sixteen, in the county of Holmes;

A bill to incorporate the society for savings of Ohio city;

A bill to incorporate the Ohio insurance company.

The House has passed a resolution providing for the election of one president judge for the thirteenth judicial district, and one associate judge for the county of Logan, on Saturday, the 16th inst., to which the concurrence of the Senate is requested.

The House has passed the following bill, to which the concurrence of the Senate is requested, to wit:

A bill for the relief of Gideon M. Ayres.

Attest, W. H. BLODGET, *Clerk*.

The bill from the House was read the first time.

The resolution from the House was laid upon the table.

Mr. Morris, on leave, from the select committee on that subject, reported a bill to amend an act entitled an act to incorporate the Ripley and Hillsborough turnpike company, passed February 19, 1833, and for other purposes; which was read the first time.

On motion of Mr. Hostetter,

The bill (H. No. 125) to vacate certain alleys in Massillon, and to establish a street in said town, was taken up, and

On motion of Mr. Hostetter,

Recommitted to the standing committee on the judiciary.

A message from the House of Representatives.

Mr. Speaker:

The House has agreed to the several amendments of the Senate to the following bills of the House, to wit:

An act for the regulation of incorporated towns;

An act to vacate part of a state road in the county of Columbiana.

The House has passed a resolution authorizing the board of canal commissioners to examine and survey a line of slack water navigation from the mouth of the Ohio Brush creek to the Marble furnace, in Adams county, &c. to which they request the concurrence of the Senate.

The House insist on their amendment to the amendments of the Senate, to the bill of the House, providing for the appointment of a board of bank commissioners, and for the regulation of banks within the State of Ohio, and request a committee of conference.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Tod,

The request of the House for a committee of conference was acceded to, and the Speaker appointed Messrs. Tod and Smith, the committee on the part of the Senate.

Ordered that the House be informed thereof.

On motion of Mr. Morris,

The Senate reconsidered the vote taken yesterday on the final passage of the bill (H. No. 78) to vacate certain alleys in the town of New Haven, in the county of Huron, and the bill was laid upon the table.

Mr. Spangler, pursuant to previous notice, asked and obtained leave, and introduced a bill to authorize the commissioners of Fairfield county to construct a bridge across the Ohio canal; which was read the first time.

Mr. James, pursuant to previous notice, asked and obtained leave, and introduced a bill to amend the act entitled an act to incorporate the Dayton and Bellefontaine turnpike company, passed 9th March, 1838.

On motion of Mr. Tod,

The Senate reconsidered the vote taken on the final passage of the bill (S. No. 90) to amend the act passed 17th March, 1838, entitled an act to establish a free turnpike road from the south boundary of Champaign county to Upper Sandusky, in Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy city, in Miami county.

On motion of Mr. Tod,

The bill was laid upon the table.

On motion of Mr. Harlan,

The Senate resolved itself into a committee of the whole, Mr. Matthews in the chair, on the orders of the day, and after some time spent therein, the committee rose, and reported back the following bills, to wit:

(S. No. 98.) A bill to incorporate the Wilmington, Port William,



Jamestown and South Charleston turnpike road company, with one amendment, which was agreed to; and the bill was ordered to be engrossed for its third reading, in order to its final passage on to-morrow;

(S. No. 96.) A bill to incorporate the Miami silk growing and manufacturing company of Troy.

On motion of Mr. Tod,

This bill was recommitted to the standing committee on agriculture, commerce and manufactures.

(S. No. 97.) A bill to incorporate the second presbyterian church of Steubenville, in the county of Jefferson, without amendment; and the same was ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

(S. No. 99.) A bill to incorporate the city of Cleveland, and for revising and repealing all laws heretofore enacted on that subject, with sundry amendments.

On motion of Mr. Fuller,

The bill and amendments were laid upon the table.

(H. No. 56.) An act to incorporate the Dayton western turnpike road company, without amendment.

On motion of Mr. Tod,

The bill was recommitted to the standing committee on rail roads and turnpikes.

(H. No. 132.) An act to lay out and establish a state road in the counties of Mercer and Vanwert, without amendment; and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

On motion of Mr. McLaughlin,

The Senate resolved itself into a committee of the whole, Mr. Harlan in the chair, on the bill (H. No. 288) in relation to fugitives from labor or service from other States, and the same was reported back with one amendment, which was agreed to.

Mr. Powers moved to strike out the first five sections of the bill, pending which question,

On motion of Mr. Hawkins,

The Senate adjourned.

Attest: \_\_\_\_\_ C. J. McNULTY, *Clerk.*

FRIDAY, February 15, 1839.

The Senate met pursuant to adjournment.

Mr. Bates presented a memorial from the contractors on the Wabash and Erie canal, praying for certain relief; which was referred to the standing committee on canals.

Mr. Utter presented a petition from James Robb, of Clermont county, for an amendment of the laws relating to the establishment of land-marks, &c.; which was referred to the standing committee on the judiciary.

Mr. Harlan presented a memorial from Samuel F. Kerr, of Fayette county, praying an amendment of the act incorporating the first presbyterian church of Washington, in Fayette county; which was referred to Mr. Harlan.

Mr. Morris presented a petition from the directors of the Milford and Chillicothe turnpike road company, praying the passage of a law authorizing the president of the Cincinnati, Columbus, and Wooster turnpike company, in behalf of the company, to subscribe stock to the said Milford and Chillicothe turnpike company; which was referred to the standing committee on railroads and turnpikes.

Mr. McLaughlin, from the standing committee on military affairs, to which was referred the petition of Jacob Bope, of Fairfield county, asked that the committee be discharged from the further consideration thereof, and recommended that the same be referred to the standing committee on finance; which was agreed to.

Mr. Saylor, from the standing committee on railroads and turnpikes, made the following report, which was agreed to, to wit:

The standing committee on railroads and turnpikes, to which was referred a petition from sundry citizens of Ohio, requesting the Legislature to incorporate a company to construct a railroad from Maumee city, running northwestwardly, to the southern line of the State of Michigan, have had the same under consideration, and report the following resolution, to wit:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petition be postponed to the first Monday in December next.

Mr. Matthews from the standing committee on canals, reported a bill for the relief of George Knisely; which was read the first time.

Mr. Ihrig, from the standing committee on roads and highways, made the following report, which was agreed to, to wit:

The committee on roads and highways, to whom was referred a petition, signed by citizens of Trumbull county, praying for the passage of a law making it the duty of the commissioners of the aforesaid county, in all cases where appropriations are made for bridges or other public purposes, that the commissioners shall give notice and sell the same to the lowest bidder, &c., have had the same under consideration, and now report:

Your committee offer for adoption the following resolution, to wit:

*Resolved*, That your committee be discharged from the further consideration on that subject, and the petition be referred to the standing committee on the judiciary.

Mr. Fuller, from the standing committee on schools and school lands, to which was recommitted the bill (H. No. 144) to amend the act entitled An act for the support and better regulation of common schools, and to create permanently the office of superintendent, repor-

ted the same back without amendment, and recommended that the same be reprinted; which was agreed to.

Mr. Bates, from the select committee on that subject, reported a bill to incorporate the Marengo company; which was read the first time.

Mr. Harlan, from the select committee on that subject, reported a bill to amend the act entitled An act to incorporate the first presbyterian church of Washington, in Fayette county; which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 153.) A bill to amend the act entitled An act to incorporate the Ripley and Hillsborough turnpike company, passed February 19, 1833, and for other purposes;

(S. No. 155.) A bill to amend the act entitled An act to incorporate the Dayton and Bellefontaine turnpike company, passed March 9, 1838;

(H. No. 159.) A bill for the relief of Gideon M. Ayres.

The following bill was read the second time, and

On motion of Mr. Spangler,

Recommitted to the standing committee on canals, to wit:

(S. No. 154.) A bill to authorize the commissioners of Fairfield county to construct a bridge across the Ohio canal.

The following bills of the Senate were read the third time and passed, to wit:

An act to incorporate the Marietta and Harmar bridge company;

An act to incorporate the Coshocton and Cambridge turnpike road company;

An act to incorporate the Wilmington, Port William, Jamestown, and South Charleston turnpike road company;

An act to incorporate the second presbyterian church of Steubenville, in the county of Jefferson.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

The following bill of the House was read the third time and passed, to wit:

An act to lay out and establish a State road in the counties of Mercer and Vanwert.

Ordered that the title be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to incorporate the town of Royalton, in Fairfield county;

A bill to amend the act allowing and regulating writs of attachment;

A bill to abolish the board of canal commissioners, and to revive the board of public works;



The House has passed the following bill of the Senate, to wit:

A bill to authorize the fund commissioners of Clinton county to loan money to the town council of the town of Wilmington.

The House has passed a resolution appointing trustees of the college of Ripley, in Brown county, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk*.

The bills from the House were read the first time.

The resolution from the House was agreed to.

Ordered, that the House be informed thereof.

On motion of Mr. James,

The Senate took up the bill (S. No. 90) to amend the act passed 17th March, 1838, entitled An act to establish a free turnpike road from the south boundary of Champaign county to Upper Sandusky, in Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county; and

The question being,

Shall the bill pass?

It was taken and carried.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

A message from the House of Representatives.

Mr. Speaker:

The House has passed a resolution providing for printing the fifth section of the act to amend an act to establish the Miami university, passed February 17, 1809, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk*.

On motion of Mr. Smith,

The resolution from the House was committed to the standing committee on the judiciary.

On motion of Mr. Shideler,

The committee of the whole were discharged from the further consideration of the bill (H. No. 91) to incorporate the first regular baptist church of Dayton; and the same was taken up, and ordered to be read a third time on to-morrow, in order to its final passage.

On motion of Mr. Ihrig,

The committee of the whole were discharged from the further consideration of the bill (S. No. 71) to amend the act defining the duties of supervisors of roads and highways, passed March 7, 1831; and the bill was laid upon the table.

On motion of Mr. Saylor,

The Senate resolved itself into a committee of the whole, Mr. Allen in the chair, on the bill (H. No. 35) further to amend the act entitled An act concerning divorce and alimony, passed January 7, 1824; and the same was reported back without amendment; and

On motion of Mr. James,  
Laid upon the table.

On motion of Mr. Matthews,

The Senate resolved itself into a committee of the whole, Mr. Fuller in the chair, on the orders of the day; and after some time spent therein, the committee rose and reported back the following bills without amendment, to wit:

(S. No. 102.) A bill to incorporate the Barnesville male academy, in the county of Belmont;

(S. No. 104.) A bill to repeal the law incorporating the town of Florence, in Huron county;

(S. No. 105.) A bill to incorporate the wardens and vestry of all-saints' church, Portsmouth, in the county of Scioto.

Which bills were severally ordered to be engrossed for their third reading on to-morrow, in order to their final passage; also

The bill (S. No. 100) to incorporate the proprietors of the Akron rural cemetery, with one amendment; which was agreed to.

And the question being on ordering the bill to be engrossed for its third reading,

Mr. Tod demanded the yeas and nays, which were ordered, and were, yeas 24, nays 7—as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Harlan, Holmes, Ihrig, James, Matthews, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Thomas, Tracy, Vanmeter, Wade, White, and Speaker—24.

Nays—Messrs. Allen, Bates, Craighill, McLaughlin, Thompson, Tod, and Utter—7.

So the question was decided in the affirmative.

And the bill was ordered to be engrossed for its third reading in order to its final passage.

Also the bill (H. No. 133) to amend the act entitled An act to provide for the election of prosecuting attorneys, passed January 28, 1833, so as to provide for any neglect of duty on the part of said officer, without amendment.

On motion of Mr. Thomas,

The bill was recommitted to the standing committee on the judiciary.

The Speaker presented a special report from the board of canal commissioners, in answer to a resolution of the Senate in relation to the claim of Caleb Imley.

On motion of Mr. Thompson,

The report was laid upon the table.

On motion of Mr. Harlan,

The resolution of the Senate instructing the standing committee on roads and highways to inquire into the expediency of amending the law regulating the manner of laying out roads and highways, was taken up, amended, and agreed to.

On motion of Mr. James,

The bill (H. No. 35) further to amend the act entitled An act concerning divorce and alimony, passed January 7, 1824, was taken up.

Mr. James moved to amend the bill by adding the following as a third section, to wit:

Sec. 3. In all applications for divorce under this act, or under the above recited acts, the supreme court shall have power to grant divorces from bed and board as well as divorces from the bonds of matrimony.

Upon this question,

Mr. Powers demanded the yeas and nays, which were ordered, and were, yeas 17, nays 15—as follows, to wit:

Yeas—Messrs. Cox, Fuller, Holmes, James, Matthews, McLaughlin, Morris, Rodgers, Smith, Stokely, Shannon, Spangler, Tod, Thomas, Utter, Vanmeter, and White—17.

Nays—Messrs. Allen, Birch, Craighill, Harlan, Hostetter, Ihrig, Oliver, Powers, Saylor, Shideler, Stadden, Thompson, Tracy, Wade, and Speaker—15.

So the question was carried.

The bill was then ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Tracy gave notice, that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to authorize the commissioners of Huron county to sell a certain lot.

On motion of Mr. Spangler,

The resolution from the House, authorizing the board of canal commissioners to survey a line of slackwater navigation from the mouth of Ohio Brush creek to the Marble furnace, in Adams county, was taken up and referred to the standing committee on canals.

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Cox in the chair, on the bill (H. No. 42) to incorporate the Wellsville and Cleveland McAdamized road company; and the same was reported back without amendment, and

On motion of Mr. Thompson,

Recommitted to the standing committee on railroads and turnpikes.

Mr. Wade moved to instruct that committee to amend said bill as follows, to wit:

That the Governor shall not subscribe, on behalf of the State, to any part of the capital stock of said company under the provisions of the act entitled An act to authorize a loan of credit by the State of Ohio to railroad companies, and to authorize subscriptions by the State to the capital stock of turnpike, canal, and slackwater navigation companies, passed March 24, 1837, unless the board of canal commissioners shall certify, that in their opinion, said road will, within two years after its completion, yield a net income of at least three per cent on the cost of its construction.

Upon this question,

Mr. Thompson demanded the yeas and nays, which were ordered, and were, yeas 1, nays 28—as follows, to wit:



Yeas—Mr. Wade—1.

Nays—Messrs. Bates, Birch, Cox, Fuller, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Thomas, Utter, Vanmeter, and Speaker—28.

So the question was lost.

On motion of Mr. Morris,

The Senate again resolved itself into a committee of the whole, Mr. Morris in the chair, on the orders of the day; and after some time spent therein, the committee rose and reported back the following bills, to wit:

(H. No. 64.) A bill to amend the act regulating the fees of sheriffs in civil and criminal cases, passed March 13, 1837, with one amendment.

On motion of Mr. Holmes,

The bill and amendment were laid upon the table.

(H. No. 141.) A bill to authorize the corporate authorities of the city of Chillicothe to borrow money for school purposes, without amendment; and the same was ordered to be read a third time on tomorrow, in order to its final passage.

On motion of Mr. Utter,

The bill (H. No. 288) in relation to fugitives from labor or service from other States, was taken up.

Mr. Cox moved to recommit the bill to the standing committee on the judiciary.

Upon which question,

Mr. Thomas demanded the yeas and nays, which were ordered, and were, yeas 20, nays 12—as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Harlan, Hostetter, James, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Spangler, Saylor, Thomas, Tracy, Vanmeter, Wade, White, and Speaker—20.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Ihrig, Matthews, McLaughlin, Shannon, Shideler, Thompson, Tod, and Utter—12.

So the question was carried.

On motion of Mr. Harlan,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

---

SATURDAY, February 16, 1839.

The senate met pursuant to adjournment.

Mr. Vanmeter presented a petition from citizens of Pike county, praying the passage of a general banking law; which was laid upon the table.

Mr. Bates presented petitions from citizens of Hancock county, praying the passage of an act to authorize the commissioners of said

county to subscribe to the capital stock of the Bellefontaine and Perrysburg rail road company; which were laid upon the table.

Mr. Bates presented petitions from citizens of Lucas county, praying the removal of the seat of justice of said county; which were referred to the standing committee on new counties.

Mr. White presented a petition from citizens of Perry township, Brown county, praying to be attached to Clermont county; which was referred to Messrs. White and Utter.

Mr. Wade presented the petitions of sundry citizens of Hartgrove, Ashtabula county, praying a repeal of all laws in this State, which make a distinction among the people on account of color; also, a protest against the annexation of Texas, or any state or territory into the Union, which tolerates slavery; also, praying that resolutions may be passed in relation to slavery; also, that colored people may have the benefit of schools; also, to secure a trial by jury where liberty is in question; also, to permit colored people to testify, &c.

Also, petitions of sundry citizens of Painsville, Geauga county, praying that colored children may have the benefit of schools; also, a repeal of all laws which make a distinction on account of color; also, the passage of resolutions declaring that congress have the constitutional power to abolish slavery and the slave trade in the District of Columbia, in the several territories and among the states, &c.; which petitions were severally referred to the standing committee on the judiciary.

Mr. Stadden presented petitions from citizens of Licking county, praying the abolition of the office of superintendent of common schools, which were referred to the standing committee on schools and school lands.

Mr. Cox, from the committee on enrollment, reported that said committee had examined and found duly enrolled the following bills, to wit:

An act further to amend the act entitled an act for opening and regulating roads and highways, passed March 14th, 1831;

An act to organize the town of Hamilton, in the county of Butler, into two separate and independent school districts;

An act to amend an act entitled an act to incorporate the trustees of the Windham school fund, passed Feb. 18, 1830;

An act to lay out and establish a state road, in the counties of Cuyahoga, Medina and Wayne;

An act to change the name of the town of Guilford, in the county of Mercer;

An act to vacate part of a state road, in the county of Columbiana;

An act to repeal the act incorporating the village of Brighton;

An act for the regulation of incorporated town;

An act to create the thirteenth judicial circuit in Ohio.

Mr. Ihrig, from the standing committee on roads and highways, reported a bill to amend an act to lay out and establish a state road in the counties of Columbiana and Carroll; which was read the first time.

Mr. Saylor, from the standing committee on rail roads and turnpikes, made the following report, to wit:

The standing committee on rail roads and turnpikes, to which was referred a petition of sundry citizens of Maumee city and vicinity, requesting the legislature to authorize the board of canal commissioners to extend the Western Reserve and Maumee road to the bridge now building across the Maumee river at the foot of the rapids opposite Maumee city, have had the same under consideration, and report the following resolution, to wit:

*Resolved by the General Assembly of the State of Ohio,* That the board of canal commissioners be and they are hereby authorized and empowered to extend the Western Reserve and Maumee road to the bridge now building across the Maumee river at the foot of the rapids opposite Maumee city, provided said board of canal commissioners deem it expedient and for the interest of the State.

On motion of Mr. Spangler,

The report was laid upon the table.

Mr. Spangler, from the standing committee on finance, which was by resolution instructed to report a bill to this Senate at the earliest day possible, regulating the mode of levying and collecting taxes from banks, insurance and bridge companies, that the capital stock of all such institutions shall pay in proportion with all other taxable property in this State, asked to be discharged from that duty, and recommended that the resolution be referred to the mover thereof, Mr. Thompson, which was agreed to.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

(S. No. 157.) A bill to incorporate the Marengo company;

(S. No. 158.) A bill to amend the act entitled an act to incorporate the first presbyterian church of Washington, Fayette county;

(H. No. 195.) A bill to incorporate the town of Royalton, in Fairfield county.

The following bill was read the second time, and

On motion of Mr. Tod,

Recommitted to the standing committee on claims, to wit:

(S. No. 156.) A bill for the relief of George Knisely.

The following bill was read the second time, and

On motion of Mr. Tod,

Recommitted to the standing committee on the judiciary, to wit:

(H. No. 128.) A bill to amend the act allowing and regulating writs of attachment.

The following bill was read the second time, and

On motion of Mr. Smith,

Recommitted to the standing committee on canals, to wit:

(H. No. 173.) A bill to abolish the board of canal commissioners and to revive the board of public works.



The following bills of the Senate were read the third time and passed, to wit:

An act to repeal the act incorporating the town of Florence, in Huron county;

An act to incorporate the Barnesville male academy, in the county of Belmont.

Ordered, that the titles be as aforesaid, and that the concurrence of the House be requested.

The following bill of the Senate was read the third time, to wit:

An act to incorporate the proprietors of the Akron rural cemetery.

On motion of Mr. Smith,

The bill was laid upon the table.

The following bill of the Senate was read the third time, to wit:

An act to incorporate the wardens and vestry of all-saint's church, Portsmouth, in the county of Scioto.

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on the judiciary.

The following bills of the House were read the third time and passed, to wit:

An act to incorporate the first regular baptist church of Dayton;

An act to authorize the corporate authorities of the city of Chillicothe to borrow money for school purposes;

An act further to amend the act entitled an act concerning divorce and alimony, passed 7th January, 1824.

Ordered, that the titles be as aforesaid, and that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker.

The House has appointed Messrs. Brough, Smith of Montgomery, and Kirkum, a committee of conference on the part of the House, in the matter of disagreement between the two Houses in relation to the bill of the House providing for the appointment of a board of bank commissioners, and for the regulation of banks, &c.

Attest,

W. H. BLODGET, *Clerk*.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to authorize a graded state road in Guernsey and Morgan counties;

A bill to establish a state road in the counties of Dark and Mercer;

A bill to authorize a review of a state road in the counties of Lawrence and Gallia;

A bill to establish a graded state road from Lancaster to McArthurstown;

A bill to authorize a graded state road in Morgan and Athens counties;

A bill to authorize a review and alteration of part of the state road from Charles Neil's, in Gallia county, to Jackson court house;

A bill to establish a state road in the counties of Sandusky and Seneca;

A bill to authorize a graded state road in Morgan county;

A bill to change the location of the state road from Palestine in Dark county to the Indiana state line;

A bill to establish a state road in Franklin, Delaware and Marion counties;

A bill to vacate part of a state road in the county of Butler;

A bill to authorize a state road in the county of Williams;

A bill to change the location of part of the state road from Worthington to Galena;

A bill to vacate part of the old state road leading from Columbus to Springfield;

A bill to establish a state road in the counties of Allen and Hardin;

A bill for the protection of rail roads.

Attest,

W. H. BLODGET, *Clerk.*

A message from the House of Representatives.

Mr. Speaker;

The House has passed the following bills to which the concurrence of the Senate is requested, to wit:

A bill amendatory of the act entitled an act defining the mode of laying out and establishing township roads, passed March 11, 1831; also of an act entitled an act for opening and regulating roads and highways, passed March 14, 1831;

A bill for the relief of Frederick H. Bryan;

A bill to amend an act entitled an act to incorporate the town of Medina, in the county of Medina, passed March 9, 1835, and an act amendatory thereto, passed March 19, 1838.

The House has agreed to the resolution of the Senate, providing for furnishing sundry copies of the revised statutes to certain clerks therein named.

A bill to incorporate the Franklin library association in the county of Mercer.

Attest,

W. H. BLODGET, *Clerk.*

The bills from the House were read the third time.

On motion of Mr. Wade,

The Senate took up the bill, (S. No. 20,) to repeal the act entitled, an act to authorize a loan of credit by the State of Ohio, to railroad companies, and to authorize subscriptions by the State to the capital stock of turnpike, canal, and slack water navigation companies, passed March 24, 1837; and the pending amendments thereto were agreed to, and the bill was further amended.

Mr. Thomas moved to amend the bill by adding the following at the end of the proviso in the bill, to wit: "or to works, the surveys and esti-

mates of which have been made, and the amount required to bring such works within the provisions of said act, actually subscribed."

Upon this question, Mr. Wade demanded the yeas and nays, which were ordered, and were, yeas 17, nays 15; as follows, to wit:

Yeas—Messrs. Cox, Fuller, Harlan, James, Matthews, McLaughlin, Morris, Smith, Stokely, Saylor, Shideler, Stadden, Thomas, Tracy, Vanmeter, White, and Speaker—17.

Nays—Messrs. Bates, Birch, Craighill, Holmes, Hostetter, Ihrig, Oliver, Powers, Rodgers, Shannon, Spangler, Thompson, Tod, Utter, and Wade—15.

So the question was carried.

The question then recurred upon ordering the bill to be engrossed for its third reading, in order to its final passage; upon which question the yeas and nays were demanded, and were, yeas 18, nays 14; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Cox, Craighill, Holmes, Hostetter, Ihrig, Powers, Rodgers, Shannon, Spangler, Stadden, Thompson, Tod, Utter, Wade, and Speaker—18.

Nays—Messrs. Fuller, Harlan, James, Matthews, McLaughlin, Morris, Oliver, Smith, Stokely, Saylor, Shideler, Thomas, Vanmeter, and White—14.

So the question was carried, and the bill was ordered to be read a third time on Monday next.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill fixing the salary of the chief clerk in the office of the auditor of State;

A bill to lay out and establish a graded State road in the counties of Tuscarawas, Carroll and Columbiana;

A bill for the relief Levi Whipple;

A bill to authorize a loan to the town council of Marietta;

A bill to incorporate the Oberlin mechanics' steam engine company;

A bill to incorporate the Meigs county high school and teachers' institute;

A bill amendatory of an act to amend the act entitled, an act to incorporate the city of Columbus in the State of Ohio, passed March 5, 1838;

A bill to amend an act entitled, an act to amend an act therein named, passed Feb. 7, 1838;

A bill to amend the several acts creating the office of county treasurer and defining his duties.

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to lay out and establish a graded state road in the counties of Stark and Portage;



A bill to incorporate the first presbyterian church of West Carlisle in Coshocton county;

A bill to incorporate the Martinsville Silliman institute and library company;

A bill to authorize the town council of the town of Dayton to borrow money;

A bill to incorporate St. Peter's Catholic church of Bolivar in Tuscarawas county;

A bill to incorporate the Cheviot, Cleves and Elizabethtown turnpike company in the county of Hamilton,

A bill to incorporate the St. Paris, Elizabethtown, Fletcher, Piqua and Covington turnpike company;

A bill for extending the Columbus and Zoar state road;

A bill to incorporate the Chillicothe hook and ladder company;

A bill to authorize and encourage the establishment of agricultural societies, in the several counties in this state and regulate the same;

A bill to amend an act entitled, an act to regulate the taxation and collection of costs;

A bill to amend an act, passed March 9, 1831, entitled an act for the inspection of certain articles therein named;

A bill to incorporate the Portsmouth dry dock and steam boat basin company;

The House has passed the following bills of the Senate, to wit:

A bill to incorporate the first baptist church in Peru and vicinity, in the county of Huron;

A bill to amend an act entitled, an act to incorporate the Greenville, New Madison and New Paris turnpike company;

A bill to incorporate the village of Mechanicstown in the county of Carroll;

A bill to incorporate the Huron fire association.

The House has passed the following bill of the Senate with one amendment, to which the concurrence of the Senate is requested, viz:

A bill to amend an act entitled, an act to incorporate the Mansfield and New Haven railroad company.

Attest

W. H. BLODGET, *Clerk.*

The bills from the House were read the first time.

The amendment of the House to the bill of the Senate was agreed to.

Ordered, that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to provide for the erection of a state arsenal;

A bill to provide for the apprehension of fugitives from justice;

A bill making special appropriation of part of the three per cent fund, in the county of Perry;

A bill further to amend the act entitled, an act defining the powers and duties of justices of the peace and constables in civil cases, passed March 14, 1831;

A bill to amend an act entitled, an act to incorporate the city of Chillicothe, passed March 14, 1838;

A bill to divorce Henry C. Willett from his wife Catharine Willett;

A bill to incorporate the New Hagerstown female seminary in Carroll county;

A bill to incorporate the first congregational society of the city of Columbus;

A bill to incorporate the Chagrin Falls manufacturing company.

The Speaker of the House has signed the following enrolled acts, to which the signature of the Speaker of the Senate is requested, to wit:

An act to incorporate the Liverpool and Massillon M'Adamized road company;

An act to provide for the more effectual punishment of certain offences in the county of Cuyahoga;

An act for the regulation of incorporated towns;

An act to vacate part of a state road in the counties of Columbiana and Stark;

An act to change the name of the town of Guilford in the county of Mercer;

An act to repeal the act incorporating the village of Brighton;

An act further to amend the act entitled, an act for opening and regulating roads and highways, passed March 14, 1831;

An act to amend an act entitled, an act to incorporate the trustees of the Windham school fund, passed Feb. 18, 1830;

An act to create the thirteenth judicial circuit in Ohio;

An act to lay out and establish a state road in the counties of Cuyahoga, Medina and Wayne;

An act to organize the town of Hamilton in the county of Butler into two separate and independent school districts.

The House has passed a resolution for the relief of T. Worthington, to which the concurrence of the Senate is requested.

The House has postponed to the first Monday of December next, the bill of the Senate, (No. 30;)

A bill to authorize the county commissioners of Scioto county to make additional compensation to the contractor who built the courthouse in said county, and for other purposes.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

On motion of Mr. Spangler,

The resolution from the House was laid upon the table.

On motion of Mr. McLaughlin,

The bill, (S. No. 100,) to incorporate the proprietors of the Akron rural cemetery was taken up; and

On motion of Mr. Powers,

Recommitted to Mr. Tod.

Mr. Holmes gave notice that on Monday or some subsequent day of the present session, he would ask leave to introduce a bill to authorize the commissioners of Hamilton county to borrow money.

On motion of Mr. Wade,

The bill, (H. No. 41,) defining the duties of the canal commissioners, the canal fund commissioners, and the auditor of State, was taken up, and ordered to be read a third time on Monday next, in order to its final passage.

Mr. Tod, on leave, from the joint committee of conference, on the subject matter of disagreement between the two House, in relation to amendments to H. bill 151, made the following report, to wit:

The joint select committee of conference upon the matters of disagreement between the two Houses upon the amendment of the House of Representatives, to House bill No. 151, (providing for the appointment of a board of bank commissioners,) have performed the duty assigned to them, and have agreed to recommend to their several Houses, that the Senate recede from their disagreement to the amendment of the House, and that said amendment be agreed to—Mr. Smith, of the committee on the part of Senate, dissenting.

Upon the question of agreeing to the recommendation of the report, Mr. Thomas demanded the yeas and nays; which were ordered.

Mr. Tod asked leave to withdraw his report; which was granted.

On motion of Mr. Tod,

Mr. Spangler was appointed an additional member of said committee of conference.

Mr. Vanmeter gave notice that on Monday or some subsequent day of the present session, he would ask leave to introduce a bill to repeal the 13th section of an act to incorporate the town of Piketon, in the county of Pike.

On motion of Mr. Thompson,

The Senate then adjourned until Monday morning, 10 o'clock.

Attest.

C. J. McNULTY, *Clerk.*

---

MONDAY, February 18, 1839.

The Senate met pursuant to adjournment.

Mr. Green presented a petition from citizens of Pickaway county,

45 s.



praying the passage of a law amendatory to the law regulating labor in the Ohio penitentiary; which was referred to the standing committee on the penitentiary.

Mr. Green presented a petition from citizens of Lucas county, praying the passage of a general banking law; which was laid upon the table.

Mr. Bates presented a petition from citizens of Paulding county, praying the organization of said county; which was referred to the standing committee on new counties.

Mr. Bates presented a petition from citizens of Wood county, praying the passage of an act to authorize the commissioners of said county to subscribe to the capital stock of the Bellefontaine and Perrysburg railroad company; which was laid upon the table.

Mr. Bates presented a petition from citizens of Lucas county, praying for an appropriation to assist in opening the State road leading from Maumee city to the Indiana State line; which was referred to the standing committee on roads and highways.

Mr. Fuller presented a remonstrance from citizens of Cleveland and Cuyahoga counties, against the establishment of a superior court in said city; which was referred to the same committee of the whole Senate to which had heretofore been committed the bill to establish said court.

Mr. McLaughlin presented sundry petitions signed by citizens of Richland county, praying the legislature to appoint Daniel J. Swaney, register of the Virginia Military school land at Mansfield in said county; which was laid on the table.

Mr. McLaughlin also presented a petition signed by sundry citizens of Richland county, praying the legislature to appoint John Adrain register of said Virginia Military school lands; which was laid upon the table.

Mr. Powers presented a petition from citizens of the State, praying the passage of a general banking law; which was laid upon the table.

Mr. Stokely presented a petition from citizens within the territory of the proposed new county of chester, praying the erection of said county; which was referred to the standing committee on new counties.

Mr. Stadden presented a petition from W. Stansbury, Jr., of Licking county, praying for the use of certain water privileges created by the Licking dam on the Ohio canal; which was referred to the standing committee on canals.

Mr. Tracy presented a petition from Cyrus Butler and others, to extend the time of commencing the Vermillion and Bermingham railroad company; which was referred to the standing committee on the judiciary.

Mr. Smith presented a petition from citizens of Clear Creek township, Warren county, praying that certain school districts may be restored to the situation in which they existed prior to the passage of

the present act regulating common schools; which was referred to the standing committee on schools and school lands.

Mr. Ihrig, from the standing committee on roads and highways, reported a bill to lay out and establish a state road in the counties of Fairfield and Licking; which was read the first time.

Mr. Fuller, from the standing committee on schools and school lands, to which had been referred sundry petitions in relation to the sale of section sixteen, made the following report; which was agreed to, to wit:

The standing committee on schools and school lands, to whom was referred the petition of citizens of Goshen township, Belmont county, praying that the law of 1827, which authorizes the surrender of leases of school section sixteen, may be revived so far as respects Goshen township; and also the petition of James Johnston and others of Richland county, with a similar prayer respecting certain school lands in said county, have had the same under consideration, and ask leave to report:

That they have been unable to discover in the facts connected with either of the above cases any sufficient reason for exempting the lessees of the lands in question from the operation of the general law on the subject. Your committee believe that the law of last session, repealing so much of the law of 1827, as authorizes the surrender of leases, was founded in justice and sound policy, and that the interests of the youth of the several townships for whose instruction in all future time the lands were donated by Congress, require that the same policy be persevered in.

Your committee having on a previous occasion reported their views on this subject, conclude by offering for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the petitions, and that the petitioners have leave to withdraw their papers.

Mr. Fuller, from the standing committee on schools and school lands, to which had been referred petitions on the subject of the distribution of the Common School Director, made the following report, to wit:

( See Appendix, P, p. 29. )

On motion of Mr. Thompson,

The report was laid upon the table.

Mr. James, from the standing committee on finance, reported a bill to amend the act prescribing the duties of county auditors; which was read the first time.

Mr. Saylor, from the standing committee on railroads and turnpikes, to which was recommitted the bill (H. No. 42) to incorporate

the Wellsville and Cleveland McAdamized road, reported the same back with one amendment.

On motion of Mr. Powers,

The bill and amendment were laid upon the table.

Mr. Smith, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 288) relating to fugitives from labor or service from other States, reported the same back with sundry amendments.

On motion of Mr. Wade,

The bill and amendments were laid upon the table, and the amendment ordered to be printed.

Mr. Stokely, from the standing committee on military affairs, made the following report, to wit:

(See Appendix, R, p. 31.)

On motion of Mr. Stokely,

The report was laid upon the table.

Mr. White, from the standing committee on enrollment, reported that they had examined and found duly enrolled, the following acts and resolution, to wit:

An act to incorporate the Liverpool and Massillon McAdamized road company;

An act to provide for the more effectual punishment of certain offences in the county of Cuyahoga;

An act to amend the act making provision for carrying into effect the acts for the punishment of crimes, passed Feb. 26, 1835;

An act to incorporate the St. John's church of Lancaster in Fairfield county;

An act to incorporate the first regular baptist church of Dayton;

An act to incorporate the town of McConnelsville;

An act to lay out and establish a state road in the counties of Mercer and Vanwert;

An act to authorize the corporate authorities of the city of Chillicothe to borrow money for school purposes;

A joint resolution to fill the board of trustees of the college of Ripley, in the county of Brown.

Mr. Thompson, from the select committee on that subject, reported a bill to amend the act entitled An act to tax banks, insurance and and bridge companies, passed March 12, 1831; which read the first time.

Mr. White, from the select committee on that subject, reported a bill to attach a part of the county of Brown to the county of Clermont; which was read the first time.

Mr. Tod, from the select committee to which was recommitted the bill (S. No. 100,) to incorporate the proprietors of the Akron rural cemetery, reported the same back with two amendments; which were agreed to.



The question then being, "shall the bill pass?" Mr. Powers demanded the yeas and nays, which were ordered.

Mr. Stokely moved to recommit the bill to the committee that reported it, with instructions to strike out the 12th section of the bill; upon which question Mr. Powers demanded the yeas and nays, which were ordered, and were, yeas 11, nays 22, as follows, to wit:

Yeas—Messrs. Allen, Bates, Cox, Harlan, James, McLaughlin, Morris, Rodgers, Stokely, Stadden and Utter—11

Nays—Messrs. Birch, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, Oliver, Powers, Smith, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Thomas, Tracy, Vanmetre, Wade, White and Speaker—22.

So the question was decided in the negative.

The question then recurred upon the final passage of the bill; which was taken and was decided in the affirmative, as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Holmes, Hostetter, Ihrig, James, Matthews, Oliver, Powers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Thomas, Tracy, Vanmetre, Wade, White and Speaker—22.

Nays—Messrs. Allen, Bates, Craighill, Harlan, McLaughlin, Morris, Rodgers, Stadden, Thompson, Tod and Utter—11.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day; to wit:

(S. No. 159.) A bill to amend an act to lay out and establish a State road in the counties of Columbiana and Carroll;

(H. No. 199.) A bill to incorporate the Franklin library association in the county of Mercer;

(H. No. 197.) A bill to amend an act to incorporate the town of Medina, in the county of Medina, passed March 19, 1835, and an act amendatory thereto, passed March 19, 1838;

(H. No. 103.) A bill to lay out and establish a graded State road in the counties of Stark and Portage;

(H. No. 123.) A bill for the relief of Frederick H. Bryan;

(H. No. 170.) A bill to amend an act, passed March 9, 1831, entitled An act for the inspection of certain articles therein named;

(H. No. 200.) A bill to incorporate the Martinsville Silliman's institute and library company;

(H. No. 205.) A bill to incorporate the Cheviot, Cleaves and Elizabethtown turnpike company in the county of Hamilton;

(H. No. 206.) A bill for extending the Columbus and Zoar State road;

(H. No. 208.) A bill to incorporate the St. Paris, Elizabethtown, Fletcher, Piqua and Covington turnpike company;

(H. No. 210.) A bill to incorporate the Chillicothe hook and ladder company;

(H. No. 211.) A bill to authorize the town council of the town of Dayton to borrow money;

(H. No. 213.) A bill to incorporate the St. Peter's catholic church of Bolivar, in Tuscarawas county;

(H. No. 225.) A bill to incorporate the first presbyterian church of West Carlisle, in the county of Coshocton.

The following bill was read the second time, and,

On motion of Mr. White,

Recommitted to the standing committee on finance, to wit:

(H. No. 161.) A bill to incorporate the Portsmouth dry dock and steamboat basin company.

The following bill was read the second time, and,

On motion of Mr. Spangler,

Recommitted to the standing committee on the judiciary, to wit:

(H. No. 179.) A bill to amend the act to regulate the taxation and collection of costs.

The following bill was read the second time, and,

On motion of Mr. Tod,

Recommitted to the standing committee on roads and highways, to wit:

(H. No. 193.) A bill amendatory to an act entitled an act defining the mode of laying out and establishing township roads, passed March 11, 1831; also an act entitled, an act for opening and regulating roads and highways, passed March 14, 1831:

The following bill was read the second time, and,

On motion of Mr. Smith,

Recommitted to the standing committee on agriculture, commerce and manufactures, to wit:

(H. No. 201.) A bill to authorize and encourage the establishment of agricultural societies in the several counties in this State, and regulate the same.

The following bill of the House was read the third time and passed, to wit:

An act defining the duties of the canal commissioners, the canal fund commissioners and the auditor of state.

Ordered, that the title be as aforesaid, and that the house be informed thereof.

The following bill of the Senate was read the third time, to wit:

A bill to suspend the operation of the act entitled An act to authorize a loan of credit by the State of Ohio, to railroad companies, and to authorize subscriptions by the State to the capital stock of turnpike, canal and slackwater navigation companies, passed March 24th, 1837.

On motion of Mr. Spangler,

The bill was laid upon the table.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to authorize and empower the mayor and town council of the

town of Felicity, in the county of Clermont to change the corporate limits of said town into a road district;

A bill appointing commissioners for the State road leading from Painesville, in the county of Geauga, to Bloomfield, in the county of Trumbull;

A bill to punish certain crimes therein named;

A bill to incorporate the Union turnpike road company;

A bill to amend the act to regulate the times of holding the judicial courts.

Attest,

W. H. BLODGET, *Clerk*.

The bills from the House were read the first time.

On motion of Mr. Utter,

The resolution providing for the adjournment of the General Assembly was taken up.

Mr. Thomas moved that the Senate take a recess; upon which question Mr. Utter demanded the yeas and nays, which were ordered, and were, yeas 14, nays 20, as follows, to wit:

Yeas—Messrs. Bates, Birch, Cox, Fuller, Green, Harlan, Hostetter, James, McLaughlin, Smith, Thompson, Tracy, Wade and Speaker—14.

Nays—Messrs. Allen, Craighill, Holmes, Ihrig, Matthews, Morris, Oliver, Powers, Rodgers, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Thomas, Utter, Vanmetre and Wade—20.

So the question was decided in the negative.

Mr. Utter then moved to refer the resolution to a select committee of one, with instructions to strik out "the fourth," and insert "the eleventh."

Upon which question,

The yeas and nays were demanded.

Mr. Thomas then moved that the senate take a recess until one o'clock.

Upon which question,

Mr. Matthews demanded the yeas and nays, which were ordered, and were, yeas 8, nays 26—as follows, to wit:

Yeas—Messrs. Bates, Harlan, James, Oliver, Thompson, Thomas, Tracy and Speaker—8.

Nays—Messrs. Allen, Birch, Cox, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Vanmetre, Wade, and White—26.

So the question was lost.

Mr. Hawkins then moved to postpone the further consideration of the resolution until the first day of March next.

Upon which question,

Mr. Holmes demanded the yeas and nays, which were ordered, and were, yeas 12, nays 22, as follows, to wit:

Yeas—Messrs. Bates, Birch, Cox, Fuller, Hostetter, McLaughlin, Rodgers, Shannon, Thompson, Thomas, Tracy, and Speaker—12.



Nays—Messrs. Allen, Craighill, Green, Harlan, Holmes, Ihrig, James, Matthews, Morris, Oliver, Powers, Smith, Stokely, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Vanmeter, Wade and White—22.

So the question was lost.

Mr. Smith then moved that the senate take a recess.

Upon which question,

The yeas and nays were demanded, and were, yeas 10, nays 23—as follows, to wit:

Yeas—Messrs. Bates, Green, Harlan, McLaughlin, Smith, Stokely, Shannon, Thompson, Tracy, and Speaker—10.

Nays—Messrs. Allen, Birch, Cox, Craighill, Fuller, Holmes, Ihrig, James, Matthews, Morris, Oliver, Powers, Rodgers, Spangler, Saylor, Shideler, Stadden, Tod, Thomas, Utter, Vanmeter, Wade, and White,—23.

So the question was lost.

Mr. Thomas then moved to postpone the further consideration of the resolution until the last day of February, inst.

Upon which question,

The yeas and nays were demanded, and were, yeas 10, nays 21, as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Hostetter, McLaughlin, Rodgers, Shannon, Thompson, Thomas and Speaker—10.

Nays—Messrs. Allen, Craighill, Green, Harlan, Holmes, Ihrig, Matthews, Morris, Oliver, Powers, Smith, Stokely, Spangler, Saylor, Shideler, Tod, Tracy, Utter, Vanmetre, Wade and White—21.

So the question was lost.

The question then recurred upon recommitting the resolutions with the instructions; and a division of the question having been called for, the question then turned upon the recommitment alone.

Upon which question,

The yeas and nays were demanded, and were, yeas 19, nays 12, as follows, to wit:

Yeas—Messrs. Allen, Craighill, Holmes, Hostetter, Ihrig, Matthews, Morris, Powers, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Tod, Tracy, Utter, Wade and White,—19.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, McLaughlin, Oliver, Stokely, Thompson, Thomas, Vanmeter and Speaker—12.

So the question was carried.

The question then recurred upon agreeing to the instructions.

Mr. Thompson then moved to amend the instructions, by striking out "the 11th," and inserting "the 18th."

A division of the question having been called for, the question then turned on striking out.

Upon which question,

The yeas and nays were demanded, and were, yeas 13, nays 19, as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Harlan, Hostetter, McLaughlin,

Rodgers, Stokely, Shannon, Thompson, Thomas, White and Speaker—13.

Nays—Messrs. Allen, Craighill, Green, Holmes, Ihrig, James, Matthews, Morris, Oliver, Powers, Smith, Spangler, Saylor, Shideler, Tod, Tracy, Utter, Vanmeter and Wade—19.

So the question was lost.

The question again recurring upon agreeing to the instructions, and a division of the question having been called for, the question turned on agreeing to so much of the instructions as requires the committee to strike out "the 4th."

Upon which question,

The yeas and nays were demanded, and were—yeas 22, nays 10—as follows, to wit:

Yeas—Messrs. Allen, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Powers, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Tracy, Utter, Wade and White—22.

Nays—Messrs. Birch, Cox, Green, Harlan, James, Oliver, Stoke-ly, Thomas, Vanmetre and Speaker—10.

So the question was carried.

The question then recurred upon agreeing to the remaining part of the instructions, which required the committee to fill occurring blank with "the 11th."

Upon which question,

The yeas and nays were demanded, and were, yeas 20, nays 13, as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Green, Holmes, Hostetter, Ihrig, Matthews, Morris, Powers, Rodgers, Smith, Spangler, Saylor, Shideler, Tod, Tracy, Utter, Wade and White—20.

Nays—Messrs. Birch, Cox, Fuller, Harlan, James, McLaughlin, Oliver, Stokely, Shannon, Thompson, Thomas, Vanmetre and Speaker—13.

So the question was agreed to.

The chair then appointed Mr. Utter said select committee.†

Mr. Utter, on leave, from the select committee to which was recom-mitted the resolution providing for the adjournment of the General Assembly, reported the same back amended in accordance with the instructions.

Mr. Thompson moved to lay the resolution and amendments on the table.

Upon which question,

The yeas and nays were demanded, and were, yeas 13, nays 20, as follows, to wit:

Yeas—Messrs. Bates, Birch, Cox, Fuller, Harlan, Hostetter, McLaughlin, Rodgers, Stokely, Shannon, Thompson, Thomas, and Speaker—13.

Nays—Messrs. Allen, Craighill, Green, Holmes, Ihrig, James, Matthews, Morris, Oliver, Powers, Smith, Spangler, Saylor, Sheidler, Tod, Tracy, Utter Vanmetre, Wade and White—20.

So the question was lost.

The amendments reported by the committee were then agreed to.

And the question being on agreeing to the resolution as amended.

The yeas and nays were demanded, and were, yeas 22, nays 11, as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Green, Holmes, Hostetter, Ihrig, Matthews, Morris, Powers, Rodgers, Smith, Stokely, Spangler, Saylor, Shideler, Tod, Tracy, Utter, Vanmetre, Wade and White—22.

Nays—Messrs. Birch, Cox, Fuller, Harlan, James, McLaughlin, Oliver, Shannon, Thompson, Thomas and Speaker—11.

So the question was carried, and the resolution as amended was agreed to.

Ordered to the house for concurrence.

### Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the house and read the first time, to wit:

A bill providing for the levying of a school tax in Oxford township, Butler county;

A bill to incorporate the town of Alexandria, in the county of Licking.

The house has passed a resolution providing for printing the report of the majority and minority of the judiciary committee of the house, on the official conduct of Peter Hitchcock, to which the concurrence of the senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Thomas,

The resolution from the House was laid upon the table.

Mr. Ihrig gave notice that he would on to-morrow or some subsequent day of the present session, ask leave to introduce a bill authorizing the town council of the town of Wooster to borrow money to purchase a lot, and to build a school house for said town.

Mr. Powers offered the following resolution; which was agreed to, to wit:

*Resolved*, That a select committee of three be appointed, with instructions to inquire into the reason why, in the printing of the report of the majority of the joint select committee to visit, &c., the Farmers' Bank of Canton, with the other documents and reports ordered to be printed therewith, the report made on February 9, by the majority of said committee on the resolution moved by Mr. Powers, in relation to printing the depositions, and other evidence taken by said committee, which resolution was on the 8th February, pending an amendment thereto, committed to said committee, is arranged in order, before the extract from the journal showing the reference, and under date of the 7th February; and to inquire also by whom or by whose direction the date of said report has been changed, and the proper order of printing them reversed, whether by the clerk of this senate, the state printer, or some other person: And whether,



in changing said date and reversing said proper order of printing said reports and documents, if the same has been wilfully and intentionally done, there has been a breach of the privileges of this senate, or of the rights and privileges of any member; and that in making said inquiry, said committee shall have power to send for persons and papers.

Mr. Holmes, pursuant to previous notice, asked and obtained leave, and introduced a bill to authorize the commissioners of Hamilton county to borrow money; which was read the first time.

On motion of Mr. Tracy,

The senate resolved itself into a committee of the whole, Mr. Spangler in the chair, on the orders of the day; and after some time spent therein, the committee rose, and reported back the following bills, to wit:

(S. No. 85.) A bill to authorize the court of common pleas of Pickaway county, to vacate alleys in the town of Circleville, in said county, with one amendment; which was agreed to, and the bill was ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

(S. No. 107.) A bill to incorporate fire company No. 1, in the town of Perrysburg, without amendment.

The bill was amended, and,

On motion of Mr. Tod,

Recommitted to the committee that reported it.

(S. No. 108.) A bill to provide for the sale of section sixteen, in Falls township, in the county of Hocking, without amendment; and the bill was ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

(S. No. 110.) A bill to incorporate the Perrysburg steam mill company, with sundry amendments; which were agreed to.

And the bill was further amended, and the question being on ordering the bill to be engrossed for its third reading, in order to its final passage,

Mr. Tod demanded the yeas and nays, which were ordered, and were, yeas 25, nays 6, as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Cox, Craighill, Fuller, Green, Hostetter, Ihrig, Matthews, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Shideler, Thomas, Tracy, Vanmetre, Wade, White and Speaker—25.

Nays—Messrs. Harlan, McLaughlin, Saylor, Thompson, Tod and Utter—6.

So the question was carried, and the bill was ordered to be read a third time on to-morrow.

Mr. Saylor, on leave, from the standing committee on railroads and turnpikes, to which was referred the petition of the Vermillion and Ashland railroad company, for an amendment of their charter, asked that the committee be discharged from the further consideration of said petition, and that the petitioners have leave to withdraw their petitions; which was agreed to.

Mr. Fuller gave notice, on behalf of himself and others, that he would

on some future day of the present session, ask leave to have entered on the journals, a protest against the resolution passed this day, fixing the day of adjournment of the legislature on the 11th day of March next.

On motion of Mr. Harlan,

The bill (S. No. 109,) to incorporate the Moscow and Williamsburg turnpike company, was taken up, and referred to the standing committee on railroads and turnpikes.

Mr. Vanmetre, pursuant to previous notice, asked and obtained leave, and introduced a bill to repeal the 13th section of an act entitled, an act to incorporate the town of Piketon, in Pike county; which was read the first time.

On motion of Mr. Thomas,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

TUESDAY, *February* 19, 1839.

The Senate met pursuant to adjournment.

Mr. Rodgers presented a petition from citizens of Athens county, against the annexation of any part of said county to the county of Hocking; which was referred to the standing committee on new counties.

Mr. Tracy presented a petition from sundry citizens of Huron county, for the establishment of a branch of the Norwalk Bank at Huron, in said county; which was referred to Mr. Tracy.

Mr. Ihrig presented a petition from citizens of Wayne county, praying the construction of a canal from Clinton to Wooster, in said county; which was referred to the same committee of the whole Senate to which had heretofore been committed the bill to provide for the construction of said canal.

Mr. Powers presented a petition from citizens of this State, praying the passage of a general banking law; which was laid upon the table.

Mr. Allen presented a petition from citizens of Delaware county, praying the repeal of the law abolishing imprisonment for debt; which was referred to the same committee of the whole Senate, to which had heretofore been committed the bill amendatory of said law.

Mr. Allen presented petitions from citizens of Delaware, Marion and Union counties, praying that James W. Crawford may be admitted to practice as an attorney and counsellor at law in the courts of said county; which were referred to the standing committee on the judiciary.

Mr. Utter, from the standing committee on claims, to which was referred the petitions and accompanying documents of Elizabeth Johnson, asked to be discharged from the further consideration thereof, and recommended that the same be referred to the standing committee on the judiciary; which was agreed to.

Mr. Smith, from the standing committee on the judiciary, to which

was referred the resolution of the House providing for the printing and distribution of the fifth section of the act to amend the act to establish the Miami University, reported the same back without amendment, and recommended that the same be agreed to.

The resolution was accordingly agreed to.

Ordered that the House be informed thereof.

Mr. Smith, from the standing committee on the judiciary, to which was recommitted the bill (S. No. 105) to incorporate the wardens and vestry of all-saints' church, Portsmouth, in the county of Scioto, reported the same back with one amendment, which was agreed to.

The bill, as amended, was then passed.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

Mr. Smith, from the standing committee on the judiciary, to which was referred the petition of James Robb, of Clermont county, made the following report, which was agreed to, to wit:

The standing committee on the judiciary, to which was referred a communication from James Robb, of the county of Clermont, suggesting the propriety of certain amendments to the act to enable the holders of land within this State to perpetuate testimony relative to their lands, have examined the subject and report:

That they believe upon examination of said act, that it is defective in its provisions, and that some amendment would be salutary. They are, however, of the opinion that the advanced stage of the present session, and the probability of a general revision of our laws at no distant period, would render it inexpedient to legislate upon this subject at the present session.

The committee therefore recommend the adoption of the following resolution:

*Resolved*, That the further consideration of the subject be postponed until the first Monday of December next.

Mr. Smith, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 183) to divorce Mary Earle from her husband Robert Earle, made the following report, to wit:

(See Appendix, S, page 32.)

On motion of Mr. Ihrig,

The report was laid upon the table.

Mr. Smith, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 133) to amend the act entitled an act to provide for the election of prosecuting attorneys, passed January 29, 1833, so as to provide for any neglect of duty on the part of said officer, reported the same back with sundry amendments, which were agreed to; and the bill as amended was ordered to be read a third time on to-morrow.

Mr. Morris, from the standing committee on rail roads and turn-



pikes, to which was recommitted the bill (S. No. 109) to incorporate the Moscow and Williamsburg turnpike company, reported the same back with one amendment, which was agreed to, and the bill was ordered to be engrossed for its third reading, in order to its final passage on to-morrow.

Mr. Birch, from the standing committee on roads and highways, to which was recommitted the bill (H. No. 193) amendatory of an act entitled an act defining the mode of laying out and establishing township roads, passed March 11, 1831; also, of an act entitled an act for opening and regulating roads and highways, passed March 14, 1831, reported the same back without amendment, and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Matthews, from the standing committee on canals, reported a bill to prohibit the sale of intoxicating liquors to laborers employed on the Wabash and Erie canal; which was read the first time.

Mr. Fuller, from the standing committee on schools and school lands, to which was referred the petitions of certain citizens of Warren county, made the following report, to wit:

(See Appendix, U, page 73.)

On motion of Mr. Smith,

The report was laid upon the table.

Mr. Matthews, from the standing committee on canals, to which was recommitted the resolution from the House, providing for a survey of a route for a canal to connect the Black Fork of Mohican with the Milan canal, reported the same back without amendment.

On motion of Mr. Matthews,

The resolution was laid upon the table.

Mr. Matthews, from the standing committee on canals, to which was recommitted the resolution from the House, providing for the examination and survey of a canal route from some point on the grand reservoir of the Miami canal, or from some point on said canal in the county of Mercer; thence to run the most practicable route to the state line in the direction of Fort Wayne, having in view a canal communication between the Miami canal, at or near St. Mary's, Ohio, and the Wabash and Erie canal at Fort Wayne, &c., reported the same back without amendment.

On motion of Mr. Spangler,

The resolution was laid upon the table.

Mr. Matthews, from the standing committee on canals, to which was recommitted the resolution from the House, providing for the survey of a route for slackwater navigation from the mouth of Ohio Brush creek to the Marble furnace in Adams county, reported the same back without amendment.

On motion of Mr. Spangler,

The resolution was laid upon the table.

Mr. Ihrig, from the standing committee on roads and highways, made the following report, which was agreed to, to wit:

The standing committee on roads and highways, to whom was referred a petition signed by citizens of Lucas county, praying for a donation of money to open the state road leading from Maumee city to the Indiana state line, now report:

Your committee are of the opinion that it would be impolitic to grant the prayers of the petitioners. Your committee offer for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and the petitioners have leave to withdraw their petition.

Mr. White, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled the following acts, to wit:

An act to incorporate the village of Mechanicstown, in the county of Carroll;

An act to incorporate the first baptist church in Peru and vicinity, in the county of Huron;

An act to amend an act entitled an act to incorporate the Greenville, New Madison and New Paris turnpike company;

An act to amend the act entitled an act to incorporate the Mansfield and New Haven rail road company;

An act to incorporate the first presbyterian church and society in Birmingham, Huron county;

An act to incorporate the Huron fire association.

Mr. Tod, from the standing committee on the judiciary, reported a bill to amend the act entitled an act to incorporate the Vermillion and Birmingham rail road company; which was read the first time.

Mr. Tod, from the standing committee on the judiciary, which was by resolution instructed to inquire what amendment, if any, may be required to the act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions, passed January 28th, 1824, made the following report, which was agreed to, to wit:

The standing committee on the judiciary who were by resolution passed Jan'y 10, 1838, instructed to inquire what amendments, if any, may be required to the act to regulate judicial proceedings where banks and bankers are parties, have discharged that duty and report:

That the legislation of the present General Assembly since the passage of the resolution makes ample provision for the defects of said law; and therefore your committee ask to be discharged from the further consideration of the subject.

Mr. Tod, from the standing committee on the judiciary, to which was referred the petition of citizens of Lucas county, made the following report, to wit:

The judiciary committee to whom was referred the petition of sundry citizens of Lucas county, praying such an amendment of the act for the punishment of offences, that the court of common pleas for said county

may be authorized to sentence the defendant to hard labor under the direction of the commissioners of said county, report:

That although they doubt not the expediency of giving the courts this power in counties—the county seats whereof are in large cities or towns—they think it inexpedient in the case now before the committee.

Your committee therefore recommend the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the petition, and that the petitioners have leave to withdraw the same.

On motion of Mr. Bates,

The report was laid upon the table.

Mr. Tod, from the standing committee on the judiciary, to which was referred petitions from citizens of Wayne county, made the following report, which was agreed to, to wit:

The judiciary committee to whom was referred the petition of sundry citizens of Wayne county, praying such an alteration of our attachment laws as to authorize the issuing of a writ of attachment on Sunday in certain cases, are of opinion that it would be inexpedient to grant their prayer.

They therefore ask to be discharged from the further consideration of the subject.

Mr. Stadden, from the select committee on that subject, reported a bill to authorize the court of common pleas of Licking county to appoint a trustee for Mount Zion chapel, in the town of Newark; which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 160.) A bill to lay out and establish a state road in the counties of Fairfield and Licking;

(S. No. 161.) A bill to amend the act prescribing the duties of county auditors;

(S. No. 162.) A bill to amend the act to tax banks, insurance and bridge companies;

(S. No. 163.) A bill to attach a part of the county of Brown to the county of Clermont;

(S. No. 164.) A bill to authorize the county commissioners of Hamilton county to borrow money;

(S. No. 165.) A bill to repeal the 13th section of an act entitled an act to incorporate the town of Piketon, in Pike county;

(H. No. 218.) A bill to authorize and empower the mayor and town council of the town of Felicity, in the county of Clermont, to change the corporate limits of said town into a road district;

(H. No. 219.) A bill to incorporate the Union turnpike road company;

(H. No. 221.) A bill to punish certain crimes therein named;

(H. No. 222.) A bill appointing commissioners for the state road



leading from Painsville, in Geauga county, to Bloomfield, in Trumbull county.

The following bill was read the second time, and

On motion of Mr. Green,

Recommitted to Mr. Green.

A bill to amend the act regulating the time of holding the judicial courts.

The following bills of the Senate were read the third time and passed, to wit:

An act to authorize the court of common pleas of Pickaway county to vacate alleys in the town of Circleville, in said county;

An act to provide for the sale of section sixteen, in Falls township, in the county of Hocking.

Ordered, that the titles be as aforesaid, and that the concurrence of the House be requested.

The following bill of the Senate was read the third time, to wit:

An act to incorporate the Perrysburg steam mill company.

On motion of Mr. Holmes,

The bill was recommitted to the committee that reported it.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to incorporate the Wood county turnpike and draining company;

A bill to amend the act to tax bank, insurance and bridge companies, passed March 12th, 1831;

A bill to incorporate the Bank of Ravenna;

A bill to incorporate the Bank of Middlebury;

A bill to incorporate the Sydney, Carysville and Millerstown turnpike road company;

A bill to incorporate the town of Bucyrus, in the county of Crawford;

A bill to divorce Mary Chalfant from her husband Mordecai Chalfant;

A bill to amend an act to incorporate the Hamilton, Rossville, Darrtown, Oxford and Fairhaven turnpike company;

The House has agreed to the first, second, third and fourth amendments of the Senate to the bill of the House further to amend the act entitled an act concerning divorce and alimony, passed 7th January, 1824; have agreed to the fifth, with one amendment, to which the concurrence of the Senate is requested; and have disagreed to the remaining amendments of the Senate.

Attest, *W. H. Blodget* W. H. BLODGET, *Clerk.*

On motion of Mr. Smith,

The bill and amendments from the House were recommitted to the standing committee on the judiciary.

The Speaker announced Messrs. Holmes, Smith and Spangler, the select committee under the resolution adopted by the Senate on yesterday, providing for an investigation into the matter of the report of the select committee to visit, &c. the Canton Bank.

Mr. Ihrig, pursuant to previous notice, asked and obtained leave, and introduced a bill to authorize the corporate authorities of the town of Wooster to borrow money for school purposes; which was read the first time.

Mr. Green, on leave, from the select committee, to which was re-committed the bill (H. No. 344) to amend the act to regulate the time of holding the judicial courts, reported the same back with sundry amendments, which were agreed to, and the bill was ordered to be read a third time on to-morrow in order to its final passage.

On motion of Mr. Morris,

The Senate resolved itself into a committee of the whole, Mr. Smith in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported back the following bills without amendment, to wit:

(S. No. 106.) A bill to incorporate the Fairfield, Yellow Springs and Clifton turnpike road company;

(S. No. 111.) A bill to provide for the erection of a bridge in the county of Clermont; which bills were severally ordered to be engrossed for their third reading on to-morrow, in order to their final passage;

Also, the bill, (S. No. 113,) to incorporate Troy city, in the county of Tuscarawas, with sundry amendments, which were agreed to, and the bill was ordered to be engrossed for its third reading on to-morrow in order to its final passage;

Also, the bill, (H. No. 143,) to amend the act entitled, an act to incorporate the borough of Ashtabula, passed Feb. 28, 1831, without amendment, and the bill was ordered to a third reading on to-morrow, in order to its final passage;

Also, the bill, (H. No. 131,) to incorporate the Western Reserve teachers' seminary, with one amendment; which was agreed to, and the bill was ordered to be read a third time on to-morrow in order to its final passage.

On motion of Mr. Thomas,

The resolution of the House in relation to the printing extra copies of the reports of the committee on the judiciary, of the House, on the official conduct of Peter Hitchcock, was taken up and agreed to.

Ordered that the House be informed thereof.

Mr. Green offered the following resolution; which was agreed to, to wit:

*Resolved by the Senate and House of Representatives, That two hundred copies of the annual report of the directors of the institution for the blind, be delivered to the directors of said institution for distribution.*

Ordered to the House for concurrence.

Mr. Tod offered the following resolution, to wit:

*Resolved by the Senate and House of Representatives, That three thousand extra copies of the report of the select committee appointed to examine the condition of the Farmers' Bank of Canton, be printed for the use of the members of this General Assembly.*

On motion of Mr. Powers,

The resolution was recommitted to the select committee on said report, with instructions to arrange said report and documents connected therewith correctly, and affix the proper dates thereto.

On motion of Mr. Fuller,

The bill, (H. No. 144,) to amend an act entitled, an act for the support and better regulation of common schools, and to create permanently the officer of superintendent, was taken up, and committed to the standing committee on schools and school lands.

On motion of Mr. Spangler,

The resolution from the House in relation to printing extra copies of the report of the superintendent of the national road, was taken up and agreed to.

Ordered that the House be informed thereof.

Mr. Holmes offered the following resolution; which was agreed to, to wit:

*Resolved, That hereafter when the Senate adjourns, it will adjourn to meet at 9 o'clock A. M., and when it takes a recess, it will meet at half after 2 o'clock P. M. until otherwise ordered.*

On motion of Mr. Tod,

The Speaker appointed Messrs. Green and Wade additional members of the standing committee on the judiciary.

Mr. Rodgers gave notice that on to-morrow or some subsequent day of this session, he would ask leave to bring in a bill to amend the act entitled an act to incorporate the Hanging Rock and Lawrence Furnace railroad company, passed March 9, 1836.

On motion of Mr. Tod,

The bill, (H. No. 283,) relating to fugitives from labor or service from other States, was taken up.

The question being on agreeing to the pending amendments, several of the same were agreed to.

Mr. Wade moved to amend the fifteenth amendment, as follows: line fifteen, after "day," insert:

*Provided, That the person claiming said fugitive, his agent or attorney, shall give bond in the penal sum of three hundred dollars, with one or more good sureties conditioned to pay to the person so claimed, all costs and damages which he or she may sustain in consequence of such arrest and commitment, in case such claimant shall fail to establish such claim.*

Upon which question, the yeas and nays were demanded, and were, yeas 11, nays 22; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Harlan, Hostetter, Morris, Oliver, Powers, Stokely, Tracy, and Wade—11.

Nays—Messrs. Allen, Bates, Craighill, Green, Holmes, Ihrig, James Matthews, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stad'



den, Thompson, Tod, Thomas, Utter, Vanmeter, Walton, and Speaker—22.

So the question was lost.

Mr. Smith then moved to amend the fifteenth amendment, by adding at the end thereof, the following, to wit: and upon the final hearing of such case, neither of the affidavits filed as aforesaid, nor the testimony of the claimant, shall be received as evidence.

Upon this question the yeas and nays were demanded, and were, yeas 11, nays 22; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Hostetter, Oliver, Powers, Smith, Stokely, Thomas, Tracy, and Wade—11.

Nays—Messrs. Allen, Bates, Craighill, Green, Harlan, Holmes, Ihrig, James, Matthews, Morris, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmeter, Walton, and Speaker—22.

So the question was lost.

Mr. Thomas then moved to amend the fifteenth amendment by adding at the end thereof, the following, to wit:

*Provided*, That the affidavit of any claimant or his agent, or the oath of the owner or owners, or other person interested, shall in no case be received in evidence on the final hearing of the cause, against the person whose service or labor is claimed.

Upon this question the yeas and nays were demanded, and were, yeas 11, nays 22; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Hostetter, Morris, Powers, Stokely, Thomas, Tracy, Wade, and White—11.

Nays—Messrs. Allen, Bates, Craighill, Green, Harlan, Holmes, Ihrig, James, Matthews, Oliver, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Vanmeter, Walton, and Speaker—22.

So the question was lost.

Mr. Wade then moved to amend the fifteenth amendment, by adding at the end thereof, the following, to wit:

*Provided*, That the court, in the receipt of the testimony on said trial, shall in all cases conform to the rules and principles of the common law.

Upon this question the yeas and nays were demanded, and were, yeas 14, nays 19; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, Hostetter, Morris, Oliver, Powers, Stokely, Thomas, Tracy, Wade and White—14.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Ihrig, James, Matthews, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Vanmeter, Walton, and Speaker—19.

So the question was lost.

The fifteenth amendment reported by the committee, was then agreed to.

The 16th, 17th, 18th, and 19th amendments were also agreed to.

Mr. Wade moved to amend the 20th amendment, by striking out all after the word "State" in the first line, to the word "shall" in the fourth line, upon which question the yeas and nays were demanded, and were, yeas 6, nays 28; as follows, to wit:

Yeas—Messrs. Birch, Morris, Powers, Thomas, Wade and White—7.

Nays—Messrs. Allen, Bates, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Stadden, Thompson, Tod, Tracy, Utter, Vanmetre, Walton and Speaker—28.

So the question was lost.

The twentieth amendment was then agreed to.

Mr. Powers then moved to amend the 21st amendment in the 5th line, by striking out the words "harbor or," upon which question the yeas and nays were demanded, and were, yeas 17, nays 17; as follows, to wit.

Yeas—Messrs. Birch, Cox, Fuller, Harlan, Hostetter, Morris, Oliver, Powers, Rodgers, Stokely, Spangler, Saylor, Thompson, Thomas, Tracy, Wade and White—17.

Nays—Messrs. Allen, Bates, Craighill, Green, Holmes, Ihrig, James, Matthews, Smith, Shannon, Shideler, Stadden, Tod, Utter, Vanmetre, Walton and Speaker—17.

So the question was lost.

The 21st amendment was then agreed to.

The 22d, 23d, 24th, 25th, 26th, 27th, 28th and 29th amendments, were then agreed to.

The ninth amendment being under consideration,

Mr. Smith moved to amend it as follows: line 4, after "fugitive," insert, "or in case of his or her absence, minority or other legal disability thereof, his or her manager, overseer or guardian, as the case may be;" upon this question the yeas and nays were demanded, and were, yeas 29, nays 5; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Craighill, Fuller, Green, Harlan, Hostetter, James, Matthews, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Spangler, Saylor, Shideler, Thompson, Tod, Thomas, Tracy, Utter, Vanmeter, Wade, Walton, White, and Speaker—29.

Nays—Messrs. Cox, Holmes, Ihrig, Shannon, and Stadden—5.

So the question was carried.

Mr. James then moved that the Senate disagree to the 9th amendment, upon which question the yeas and nays were demanded, and were, yeas 18, nays 15; as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Green, Harlan, Holmes, Ihrig, James, Matthews, Rodgers, Shannon, Shideler, Stadden, Tod, Utter, Vanmeter, Walton and Speaker—18.

Nays—Messrs. Birch, Cox, Fuller, Hostetter, Morris, Oliver, Powers, Smith, Stokely, Spangler, Saylor, Thomas, Tracy, Wade and White—15.

So the question was carried, and the amendment was disagreed to.

The amendments having been disposed of, the question then recurred upon the motion of Mr. Powers, to strike out the first five sections, upon which question the yeas and nays were demanded.

Mr. Thomas moved to amend the first section, in the fourth line, by inserting after the word "attorney," the words "constituted in writing;" upon which question the yeas and nays were demanded, and were, yeas 12, nays 22; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Hostetter, Morris, Oliver, Powers, Stokely, Thomas, Tracy, Wade, and White—12.

Nays—Messrs. Allen, Bates, Craighill, Green, Harlan, Holmes, Ihrig, James, Matthews, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmeter, Walton and Speaker—22.

So the question was lost.

Mr. Thomas then moved the following amendment, to wit:

Sec. 1, line 5, after the words "city or town corporate," insert, "in the county in which the person whose labor or service is claimed, may be found."

Upon which question the yeas and nays were demanded, and were, yeas 11, nays 23; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Hostetter, Morris, Powers, Stokely, Thomas, Tracy, Wade, and White—11.

Nays—Messrs. Allen, Bates, Craighill, Green, Harlan, Holmes, Ihrig, James, Matthews, Oliver, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmeter, Walton, and Speaker—23.

So the question was lost.

Mr. Thomas then moved the following amendment, to wit: at the end of sec. 1, insert:

*Provided*, That the officer in whose hands such warrant shall be placed for execution, shall not execute the same out of the bounds of the county in which he shall be an officer, unless the person against whom such warrant shall have been issued, shall be in the act of escaping.

Upon this question the yeas and nays were demanded, and were, yeas 11, nays 22; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Harlan, Morris, Powers, Stokely, Thomas, Tracy, Wade, and White—11.

Nays—Messrs. Allen, Bates, Craighill, Green, Holmes, Hostetter, Ihrig, James, Matthews, Oliver, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Utter, Vanmeter, Walton and Speaker—22.

So the question was lost.

The question then recurring upon striking out the first five sections.

Mr. Powers moved that the Senate adjourn; upon which question the yeas and nays were demanded, and were, yeas 18, nays 16; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, Hostetter, James, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Shannon, Thomas, Vanmeter, Wade, and White—18.



Nays.—Messrs. Allen, Bates, Craighill, Holmes, Ihrig, Matthews, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Walton and Speaker—16.

So the question was carried, and the Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

WEDNESDAY, *February 20, 1839.*

The Senate met pursuant to adjournment.

Mr. Craighill presented a petition from citizens of Seneca county, for the construction of a canal along the Sandusky valley; which was referred to the standing committee on canals.

Mr. Ihrig presented petitions and documents from citizens of Wayne county, praying the construction of a canal from Clinton, on the Ohio canal, to Wooster, in said county; which was committed to the same committee of the whole Senate to which had heretofore been committed the bill to provide for the construction of said canal.

Mr. Spangler presented petitions from citizens of the counties of Fairfield and Franklin, praying the location of a graded State road in said counties; which were referred to Mr. Spangler.

Mr. Powers presented a petition from citizens of the State, praying the passage of a general banking law; which was laid upon the table.

Mr. Saylor, from the standing committee on railroads and turnpikes, to which was recommitted the bill (H. No. 56) to incorporate the Dayton western turnpike road company, reported the same back with one amendment; which was agreed to, and ordered to be engrossed, and the bill to be read a third time on to-morrow in order to its final passage.

Mr. Bates, from the select committee to which was recommitted the bill (S. No. 110) to incorporate the Perrysburg steam-mill company, reported the same back with one amendment; which was agreed to, and ordered to be engrossed at the clerk's desk.

And the question being,

Shall the bill pass?

Mr. Thompson demanded the yeas and nays, which were ordered, and were, yeas 22, nays 9—as follows, to wit:

Yeas—Messrs. Bates, Birch, Craighill, Cox, Fuller, Green, Holmes, Hostetter, Ihrig, Matthews, Morris, Powers, Rodgers, Stokely, Shannon, Spangler, Shideler, Thomas, Tracy, Vanmeter, Wade, and Speaker—22.

Nays—Messrs. Allen, Harlan, McLaughlin, Smith, Saylor, Stadden, Thompson, Tod, and Walton—9.

So the question was carried.

Ordered that the title be as aforesaid, and that the concurrence of the house be requested.

Mr. Bates, from the select committee to which was recommitted the bill (S. No. 107) to incorporate fire company No 1, in the town of Perrysburg, reported the same back with sundry amendments; which

were agreed to, and the bill was ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

Mr. Holmes, from the select committee to which was recommitteed the bill (S. No. 77) for the relief of certain lessees of section sixteen, in Columbia township, Hamilton county, reported the same back without amendment, and recommended that the bill be postponed until the first Monday in December next; which was agreed to.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 166.) A bill to authorize the corporate authorities of the town of Wooster to borrow money for school purposes;

(S. No. 167.) A bill to amend the act entitled An act to incorporate the Vermillion and Birmingham railroad company;

(S. No. 168.) A bill authorizing the court of common pleas of Licking county to appoint a trustee for Mt. Zion chapel, in the town of Newark;

(S. No. 169.) A bill to prohibit the sale of intoxicating liquors to laborers employed on the Wabash and Erie canal.

The following bills of the Senate were read the third time and passed, to wit:

An act to incorporate the Fairfield, Yellow Springs, and Clifton turnpike road company;

An act to incorporate the Roscoe and Williamsburg turnpike road company;

An act to provide for the erection of a bridge in the county of Clermont.

Ordered that the titles be as aforesaid, and that the concurrence of the House be requested.

The following bill of the Senate was read the third time, to wit:

An act to incorporate Troy city, in the county of Tuscarawas.

On motion of Mr. Matthews,

The bill was laid upon the table.

The following bills of the House were read the third time and passed, to wit:

An act to incorporate the Western Reserve teachers' seminary;

An act to amend the act entitled An act to provide for the election of prosecuting attorneys, passed January 29, 1833, so as to provide for any neglect of duty on the part of said officers;

An act to amend the act entitled An act to incorporate the borough of Ashtabula, passed February 28, 1831;

An act amendatory of an act entitled An act defining the mode of laying out and establishing township roads, passed March 11, 1831; also, an act entitled An act for opening and regulating roads and highways, passed March 14, 1831;

An act to amend the act to regulate the times of holding the judicial courts.

Ordered that the titles be as aforesaid, and that the concurrence of the House to the amendments thereto be requested.

The Speaker presented a special report from the board of canal commissioners in relation to the claim of Morris Seely; which

On motion of Mr. Tod,  
Was laid upon the table.

Mr. Fuller, on leave, from the standing committee on schools and school lands, to which was recommitted the bill (H. No. 144) to amend the act entitled An act to provide for the support and better regulation of common schools, and to create permanently the office of superintendent, reported the same back without amendment.

On motion of Mr. Fuller,

The bill was committed to the committee of the whole Senate, and made the order of the day for this day.

Mr. Rodgers, pursuant to previous notice, asked and obtained leave and introduced a bill to amend the act entitled An act to incorporate the Hanging Rock and Lawrence Furnace railroad company, passed March 9, 1836; which was read the first time.

On motion of Mr. Thomas,

The resolution of the House authorizing the canal commissioners to assess the damages that may accrue from the Mercer county reservoir, was taken up, and recommitted to the standing committee on canals.

Mr. McLaughlin offered the following resolution, to wit:

*Resolved by the General Assembly of the State of Ohio, That four hundred copies of the law regulating the times of holding the judicial courts, with the act amendatory thereto, be printed for the use of the members of the General Assembly.*

The resolution was amended; and

On motion of Mr. McLaughlin,  
Laid upon the table.

On motion of Mr. Saylor,

The Senate resolved itself into a committee of the whole, Mr. Walton in the chair, on the orders of the day; and after some time spent therein, the committee rose and reported back the following bill, to wit:

(H. No. 98.) An act to secure laborers their wages for work done on the public works in this State, with one amendment, (striking out the second section of the bill.)

Upon agreeing to this amendment,

The yeas and nays were demanded, and were, yeas 19, nays 15—as follows, to wit:

Yeas—Messrs. Birch, Brady, Cox, Fuller, Green, Ihrig, James, Matthews, McLaughlin, Oliver, Rodgers, Smith, Stokely, Shannon, Stad-den, Tod, Thomas, Tracy, and Speaker—19.

Nays—Messrs. Allen, Craighill, Holmes, Hostetter, Morris, Powers, Spangler, Saylor, Shideler, Thompson, Utter, Wade, and Walton—13.

So the question was carried, and the amendment was agreed to.

Mr. Smith then moved that the further consideration of the bill be indefinitely postponed.

Upon which question,

The yeas and nays were demanded, and were, yeas 18, nays 15—as follows, to wit:



Yeas—Messrs. Birch, Brady, Cox, Fuller, Green, Ihrig, James, Matthews, McLaughlin, Powers, Rodgers, Smith, Shannon, Stadden, Tod, Tracy, White, and Speaker—18.

Nays—Messrs. Allen, Craighill, Holmes, Hostetter, Morris, Oliver, Stokely, Spangler, Saylor, Shideler, Thompson, Thomas, Utter, Wade, and Walton—15.

So the question was carried.

(H. No. 71.) An act to incorporate the Belmont manufacturing company, without amendment.

On motion of Mr. Shannon,

The bill was recommitted to the standing committee on agriculture, commerce, and manufactures.

(H. No. 136.) An act to revive and amend an act entitled An act to incorporate the Norwalk and Huron railroad company, passed March 7, 1835, with sundry amendments; which were agreed to, and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

(H. No. 138.) An act to provide for the appointment of foreign commissioners, with one amendment; which was agreed to.

On motion of Mr. Green,

The further consideration of the bill was then indefinitely postponed.

Mr. James offered the following resolution, which was agreed to, to wit.

*Resolved*, That the committee on the penitentiary inquire into the expediency of providing that the transportation of convicts from county prisons to the penitentiary be conducted under the care and direction of the warden.

Mr. James gave notice that he would ask leave, on to-morrow, to introduce a bill for the protection of railroads, and the punishment of persons who place obstructions thereon.

Mr. Tod, on leave, from the committee of conference on the subject matter of disagreement between the two Houses, in relation to the amendments to the bill (H. No. 151) providing for the appointment of a board of bank commissioners, and for the regulation of banks within this State, made the following report, to wit:

The committee of conference, to whom was referred the matter in difference between the two Houses, upon the amendment of the House to House bill No. 151, have conferred together, and the committee on the part of the House unanimously, and a majority of the committee of the Senate, agreed to recommend to their several branches that the Senate recede from their disagreement to the amendment of the House.

Upon agreeing to this report,

The yeas and nays were demanded, and were, yeas 19, nays 17—as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, and Speaker—19.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Oliver, Powers, Rodgers, Smith, Stokely, Shannon, Thomas, Tracy, Vanmeter, Wade, and White—17.

So the question was carried.

Ordered that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The house has passed the following bills, to which the concurrence of the senate is requested, to wit:

A bill to incorporate the Findley railroad company;

A bill to incorporate a certain forty-acre tract of land in Tiverton township, Coshocton county, Ohio, including the town plat of Rochester;

A bill to authorize the commissioners of Highland county to subscribe stock to the Ripley and Hillsborough turnpike road, and to borrow money for the same;

A bill to provide for the more effectual punishment of certain offences in the county of Montgomery;

A bill to authorize county surveyors to survey lands and town lots without the county;

A bill to incorporate the Worthington female seminary;

A bill to incorporate the associate reformed congregation of Martinsburg, in Knox county;

A bill in relation to the medical and surgical supervision of the commercial hospital and lunatic asylum of Ohio.

The following bills have been reported to the House and read the first time, to wit:

A bill to amend an act entitled An act to provide for the incorporation of townships;

A bill to punish betting on elections;

A bill to incorporate the Granville fire company, in the county of Licking;

A bill to incorporate the Auglaise seminary;

A bill to incorporate the Lewisburg and Eaton turnpike road company;

A bill to amend the act entitled An act to incorporate the Vermillion and Ashland railroad company, passed March 23, 1839;

A bill further to amend the act to authorize the president, recorder, and trustees of the town of Zanesville to borrow money for the purposes therein specified;

A bill to divorce Catharine Wolf from her husband, Charles C. Wolf;

A bill to authorize the mayor, recorder and trustees of the town of West Liberty to sell and convey the public square in said town;

A bill to divorce Jesse Lock from his wife, Leah Lock;

A bill to incorporate the first congregational society of Avon, in the county of Lorain;

A bill relative to sales of real estate in certain cases;

A bill to incorporate the Erie, Huron, and Michigan steam boat company;

A bill providing for the sale of certain school lands in the county of Crawford;

A bill to incorporate the town of Reynoldsburg, in the county of Franklin;

A bill to incorporate the first baptist church of St. Albans, in Licking county.

The House has agreed to the amendments of the Senate to the following bills of the House, to wit:

A bill to incorporate the Western Reserve teachers' seminary;

A bill to amend the act entitled An act to provide for the election of prosecuting attorneys, passed January 29, 1833, so as to provide for any neglect of duty on the part of said officers.

The House has agreed to the resolution of the Senate providing for printing sundry copies of the annual report of the directors of the institution for the blind.

The House has passed a resolution providing for printing sundry copies of the report of the committee on banks and the currency, on the subject of post notes, to which the concurrence of the Senate is requested.

The House has agreed to the amendments of the Senate to the bill of the House, No. 139, to incorporate the Lancaster and Columbus turnpike road company.

Attest,

W. H. BLODGET, *Clerk.*

The bill from the House was read the first time.

Mr. Thomas moved to amend the resolution from the House by striking out the word "three" where it occurs, and inserting "one."

Upon which question,

The yeas and nays were demanded, and were, yeas 23, nays 11—as follows, to wit:

Yeas—Messrs. Allen, Birch, Brady, Cox, Fuller, Green, Harlan, James, McLaughlin, Morris, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thomas, Tracy, Wade, and White—23.

Nays—Messrs. Craighill, Holmes, Hostetter, Ihrig, Matthews, Oliver, Thompson, Tod, Utter, Walton, and Speaker—11.

So the question was carried.

The resolution as amended was then agreed to.

Ordered, that the House be informed thereof.

Mr. Stokely offered the following resolution, which was agreed to, to wit:

*Resolved*, That the Senate request the return of bill No. 344, amending the act regulating the times of holding courts, from the House of Representatives, for the purpose of further amendment.

Ordered that the house be informed thereof.

On motion of Mr. Tod,



The bill (H. No. 288) in relation to fugitives from labor or service from other States, was taken up.

The question pending, was on the motion of Mr. Powers,

To strike out the first five sections.

Mr. Smith moved that the Senate adjourn.

Upon which question,

The yeas and nays were demanded, and were, yeas 19, nays 16—as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, Hostetter, James, McLaughlin, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmeter, Wade, and White—19.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Ihrig, Matthews, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, and Speaker—16.

So the question was carried; and

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

THURSDAY, *February 21, 1839.*

The Senate met pursuant to adjournment.

Mr. Wade presented the petition of 57 citizens of Geauga county, praying the passage of resolutions declaring that congress have the constitutional power to abolish slavery in the District of Columbia, in the territories, to prohibit the slave trade between the states, and that it ought to act immediately.

Also the petitions of 247 citizens of Ashtabula county, praying that fugitives from labor may have a trial by jury; the prohibition of the slave trade between the several states; that colored children may participate in the benefit of common schools, &c.; which petitions were severally referred to the standing committee on the judiciary.

Mr. Fuller presented a petition from citizens of Cuyahoga county, against the establishment of a superior court in the city of Cleveland; which was laid upon the table.

Mr. Stadden presented a petition from citizens of Licking county, praying the incorporation of a silk company; which was referred to the standing committee on agriculture, commerce and manufactures.

Mr. Stadden presented a petition from Elizur Abbott, of Licking county, praying an amendment of the charter of the first congregational church of Granville, in said county; which was referred to Mr. Stadden.

The following bills were then severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 170.) A bill to amend the act entitled, an act to incorporate

the Hanging Rock and Lawrence Furnace railroad company, passed 9th March, 1836;

(H. No. 227.) An act to incorporate the associate reform congregation of Martinsburg, in Knox county;

(H. No. 122.) A bill to incorporate the Worthington female seminary;

(H. No. 226.) A bill to provide for the more effectual punishment of certain offences in the county of Montgomery;

(H. No. 228.) A bill to authorize the commissioners of Highland county to subscribe stock to the Ripley and Hillborough, and all other turnpike companies, and to borrow money for the same;

(H. No. 198.) A bill to incorporate a certain forty acre lot of land, in Tivertown township, Coshocton county, including the town plat of Rochester;

(H. No. 232.) A bill to incorporate the Findley railroad company;

(H. No. 236.) A bill to authorize county surveyors in certain cases to survey lands and town lots without the county.

The following bill was read the second time, and,

On motion of Mr. Oliver,

Recommitted to the standing committee on medical colleges and societies, to wit:

(H. No. 66.) A bill in relation to the medical and surgical supervision of the commercial hospital, and lunatic asylum of Ohio.

The following bill of the Senate was read the third time and passed, to wit:

An act to incorporate fire company No. 1, in the town of Perrysburg.

Ordered that the title be as aforesaid, and that the concurrence of the House be requested.

The following bills of the House were read the third time, and passed, to wit:

An act to revive and amend an act entitled, an act to incorporate the Norwalk and Huron railroad company, passed March 7, 1835;

An act to incorporate the Dayton western turnpike road company.

Ordered, that the titles be as aforesaid, and that the concurrence of the house to the amendments thereto be requested.

A message from the House of Representatives.  
Mr. Speaker:

The house has agreed to the amendments of the senate to the resolution of the house, providing for printing the report of the committee on banks of the house, on post notes.

The house has agreed to the report of the joint committee of conference, in the matter of disagreement between the two houses, on the bill of the house to appoint a board of bank commissioners, and for the regulation of banks within the state of Ohio.

The bill of the house to amend the act to regulate the times of hold-

ing the judicial courts, according to the request of the senate, is herewith returned.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Thomas.

The bill returned from the house was laid upon the table.

Mr. Bates offered the following resolution; which was agreed to, to wit:

*Resolved by the Senate and House of Representatives,* That the members of both branches of the general assembly of the state of Ohio, will meet in the hall of the house of representatives on the 22d day of February, 1839, at half past two o'clock P. M., for the purpose of electing a president judge for the 13th judicial circuit of Ohio.

Ordered to the house for concurrence.

Mr. Spangler, on leave, from the select committee on that subject, reported a bill to incorporate the Lancaster, Carroll, Pickerington and national road turnpike company; which was read the first time.

Mr. Morris moved a reconsideration of the vote taken yesterday, on agreeing to the report of the committee on conference, on the disagreement of the two houses in relation to the amendments to the bill of the house No. 151, providing for the appointment of a board of bank commissioners, &c.

The Speaker decided the motion to be out of order, because the bill and amendments aforesaid had passed from the possession of the senate.

From this decision of the chair Mr. Green appealed.

The chair then announced the question to be,

Shall the decision of the chair stand as the judgment of the senate?

Upon which question,

The yeas and nays were demanded, and were, yeas 19, nays 16, as follows:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter and Walton—19.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Smith, Stokely, Thomas, Tracy, Vanmetre, Wade and White—16.

The Speaker was excused from voting.

So the question was carried, and the decision of the chair was sustained.

Mr. Tod then moved that the senate resolve itself into a committee of the whole, upon the orders of the day.

Upon which question,

The yeas and nays were demanded, and were, yeas 17, nays 19, as follows:

Yeas—Messrs. Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—17.



Nays—Messrs. Allen, Birch, Cox, Fuller, Green, Harlan, James, McLaughlin, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmetre, Wade and White—19.

So the question was lost.

Mr. Smith then offered the following resolution, to wit:

*Resolved*, That a message be sent to the house of representatives, respectfully requesting them to return to the senate, house bill No. 151, providing for the appointment of a board of bank commissioners, and for the regulation of banks within the state of Ohio, in order that the senate may take such further action thereon as they may think proper.

Mr. Stokely moved that the senate take a recess until 3 o'clock.

Upon which question,

The yeas and nays were called, and were, yeas 10, nays 26, as follows:

Yeas—Messrs. Birch, Fuller, Powers, Rodgers, Smith, Stokely, Thomas, Tracy, Wade and White—10.

Nays—Messrs. Allen, Bates, Brady, Cox, Craighill, Green, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vapmeter, Walton and Speaker—26.

So the question was lost.

The question then recurred on the adoption of the resolution, when

Mr. Walton moved that the senate take a recess until three o'clock, P. M.

Upon which question,

The yeas and nays were demanded, and were, yeas 20, nays 16, as follows:

Yeas—Messrs. Bates, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, Rodgers, Smith, Stokely, Spangler, Saylor, Shideler, Tod, Thomas, Tracy, Utter, Walton, White and Speaker—20.

Nays—Messrs. Allen, Birch, Brady, Cox, Green, Harlan, James, McLaughlin, Morris, Oliver, Powers, Shannon, Stadden, Thompson, Vanmeter and Wade—16.

So the question was carried.

Mr. Walton then moved the following amendment to the resolution, to wit:

Strike out all after the word "Resolved," and insert: "that the senator from Clinton, Mr. Morris, be and he is hereby authorized to make such explanation in writing, in relation to his vote on agreeing to the report of the committee of conference on the subject matter of difference between the two houses, in relation to the amendment of the house to the senate's amendment to bill of the house, No. 151, as he may think proper; and in order that no injustice shall be done to said senator, that said explanation be placed upon the journal."

Upon this question,

The yeas and nays were demanded, and were ordered.

Mr. Powers moved to amend the amendment, by adding thereto the following:

And particularly inasmuch as the usual mode of permitting members to set themselves right in such cases, by moving a reconsideration, will be inconvenient to some of the friends of the measure, by endangering the passage of the measure for the want of a majority in favor of it.

Upon this question,

The yeas and nays were demanded, and were, yeas, 17, nays 19, as follows:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmeter, Wade and White—17.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—19.

So the question was lost.

The question then recurred upon the adoption of the amendment of Mr. Walton; which was taken, and decided in the negative, yeas 15, nays 21, as follows:

Yeas—Messrs. Allen, Brady, Holmes, Hostetter, Ihrig, Matthews, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—15.

Nays—Messrs. Bates, Birch, Cox, Craighill, Fuller, Green, Harlan, James, McLaughlin, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Shannon, Thomas, Tracy, Vanmeter, Wade and White—21.

The question then recurred upon the adoption of the resolution; which was taken, and decided in the negative, yeas 18, nays 18, as follows:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, McLaughlin, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmeter, Wade and White—18.

Nays—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—18.

On motion of Mr. Tod,

The bill (H. No. 288) relating to fugitives from labor or service from other states, was taken up.

The question pending was on the motion of Mr. Powers, to strike out the first five sections of the bill.

At 25 minutes past 10 o'clock, P. M.,

Mr. Powers moved that the senate adjourn.

Upon which question,

The yeas and nays were demanded, and were, yeas 16, nays 18, as follows:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Stokely, Thomas, Tracy, Vanmeter, Wade and White—16.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—18.

So the question was lost.

The question then recurred upon the motion to strike out the first five sections.

At five minutes past 11 o'clock, P. M.,

Mr. Harlan moved that the senate adjourn.

Upon which question,

The yeas and nays were demanded, and were, yeas 13, nays 16, as follows:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, Morris, Rodgers, Smith, Stokely, Thomas, Tracy, Wade and White—13.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Ihrig, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—16.

So the question was lost.

At 15 minutes past 1 o'clock, A. M.,

Mr. Stokely moved that the senate adjourn.

Upon which question,

The yeas and nays were demanded, and were, yeas 13, nays 17, as follows:

Yeas—Messrs. Birch, Fuller, Green, Harlan, James, Morris, Powers, Smith, Stokely, Thomas, Tracy, Vanmetre and Wade—13.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—17.

So the question was lost.

At 10 minutes past 2 o'clock, A. M.,

Mr. Green moved that the senate adjourn.

Upon which question,

The yeas and nays were demanded, and were, yeas 12, nays 16, as follows:

Yeas—Messrs. Birch, Fuller, Green, Harlan, James, Morris, Powers, Smith, Stokely, Thomas, Tracy and Wade—12.

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—16.

So the question was lost.

At 20 minutes past 2 o'clock, P. M.,

Mr. Thomas moved that the senate adjourn.

Upon which question,

The yeas and nays were demanded, and were, yeas 12, nays 17, as follows, to wit:

Yeas—Messrs. Birch, Fuller, Green, Harlan, James, Morris, Powers, Smith, Stokely, Thomas, Tracy and Wade—12.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—17.

So the question was lost.

At half past 2 o'clock, A. M.,

Mr. Green moved that the senate adjourn.

Upon which question,



The yeas and nays were demanded, and were, yeas 12, nays 17, as follows, to wit:

Yeas—Messrs. Birch, Fuller, Green, Harlan, James, Morris, Powers, Smith, Stokely, Thomas, Tracy and Wade—12.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—17.

So the question was lost.

At ten minutes past 4 o'clock, A. M.,

Mr. Smith moved that the senate adjourn.

Upon which question,

The yeas and nays were demanded, and were, yeas 9, nays 17, as follows:

Yeas—Messrs. Birch, Fuller, Green, Morris, Powers, Smith, Thomas, Tracy and Wade—9.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—17.

So the question was lost.

At 20 minutes before 6 o'clock,

Mr. Thomas moved that the senate adjourn.

Upon which question,

The yeas and nays were demanded, and were, yeas 7, nays 18, as follows:

Yeas—Messrs. Birch, Fuller, Morris, Powers, Smith, Thomas and Wade—7.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Walton and Speaker—18.

So the question was lost.

At 20 minutes past 6 o'clock, A. M.,

Mr. Powers moved a call of the Senate, which was agreed to, and upon calling the names of the members, the following named senators were absent to wit: Messrs. Brady, Cox, Green, Harlan, James, McLaughlin, Oliver, Stokely, and Vanmeter—9.

On motion of Mr. Tod,

Mr. Brady was excused on account of sickness.

On motion of Mr. Smith,

The Sergeant-at-arms was despatched after the absent members, and at 7 o'clock the Sergeant-at-arms returned and reported the absentees all present except Mr. James, who was excused.

The question being on the motion to strike out the first five sections of the bill, it was then taken and decided in the negative, yeas 10, nays 25; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Morris, Powers, Stokely, Thomas, Tracy, Wade and White—10.

Nays—Messrs. Allen, Bates, Brady, Craighill, Green, Harlan, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Oliver, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmeter, Walton and Speaker—25.

Mr. Wade then moved to amend the bill by adding the following as sections fourteen, &c. to wit:

Sec. 14. That the trial shall in all cases be by jury, and for that purpose the said judge before he proceeds to hear said cause, shall issue a venire directed to the sheriff or any constable of the county in which said trial shall be had, commanding him to summon twelve good and lawful men, citizens and freeholders of said county, and having the qualifications of electors therein, who shall in no way be interested in the event of said inquiry, to be and appear before such judge or other officer at the time fixed for said trial, to serve as a jury for the trial of said case.

Sec. 15. That it shall be the duty of such sheriff or constable to make service of said venire, and to return the same with the names of the persons by him summoned, at the time appointed for the trial of said cause.

Sec. 16. That it shall be the further duty of such sheriff or constable to be in attendance on said court at the time appointed for said trial, and during the progress of the same, and if by reason of challenge for cause, sickness or other disability, the persons whose names shall be returned with the venire, or any of them, shall not be empannelled as jurors, the said sheriff or constable shall fill the pannel from the bystanders, as is done by the sheriffs in the courts of common pleas, and the said sheriff or constable shall be entitled to the same fees as in other cases for like services, to be paid out of the treasury of the county where said trial is had, on the certificate of the said judge taxed in the bill of costs.

Sec. 17. That the jurors thus summoned and empannelled as aforesaid shall be sworn or affirmed by the judge, well and truly to try the issue between the parties which shall in all cases be, whether the person so claimed as a fugitive from service or labor as aforesaid, is in fact a fugitive from another State, and whether he or she does in fact, by the laws of such State, owe service or labor to the person making such claim, and a true verdict give according to the evidence; and after the said jury shall have taken the said oath or affirmation, they shall sit together and hear the several proofs and allegations of the parties, and at the close of the trial, shall be conducted by the sheriff or constable to some private and convenient place, where they may deliberately and without interruption consult upon their verdict.

Sec. 18. That when said jurors have agreed upon their verdict, they shall deliver the same to the judge or other officer in open court, and if the said jury shall find that the person so claimed is a fugitive from another State, and does by the laws of such state, owe service or labor to the person so claiming him or her, the said judge shall enter the said verdict in his docket.

Sec. 19. That the said jury shall each be entitled to fifty cents for his services, and the said judge or other officer shall be entitled to the same fees as are allowed in other cases, to be paid out of the treasury of the county in which said trial is had, and in case the said jury shall find that the person so claimed as a fugitive is not a fugitive from another State, or does not by the laws of such state, owe service or labor to the person so claiming as aforesaid, he shall enter the same in his docket, and enter judgment against the person so claiming as aforesaid for costs, and issue execution as in other cases.

Upon this question the yeas and nays were demanded, and were, yeas 9, nays 26; as follows, to wit:

Yeas—Messrs. Birch, Cox, Morris, Powers, Stokely, Thomas, Tracy, Wade and White—9.

Nays—Messrs. Allen, Bates, Brady, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Oliver, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmeter, Walton and Speaker—26.

So the question was lost.

Mr. Stokely then moved to amend the bill by adding the following as section fourteen, to wit:

Sec. 14. That all sales that shall hereafter be made within this State, of any fugitive or fugitives from service or labor, who, at the time of such sale or sales, shall be within the limits of this State, shall be utterly null and void; and if any person or persons, under color or pretence of any such sale or sales, shall seize, arrest, or by intimidation, seduction, or fraud, shall remove, or cause to be removed from this State, any such fugitive or fugitives thus sold, or attempted to be sold, he, she, or they so offending, shall forfeit and pay the sum of five hundred dollars on conviction thereof by indictment, one-half thereof to the use of the State, and the other half to the use of any person who shall sue for the same.

Upon this question the yeas and nays were demanded, and were, yeas 10, nays 25; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Oliver, Powers, Stokely, Thomas, Tracy, Wade and White—10.

Nays—Messrs. Allen, Bates, Brady, Craighill, Green, Harlan, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmeter, Walton and Speaker—25.

So the question was lost.

Mr. Thomas then moved to amend the bill by inserting the following as section twelve, to wit:

Sec. 12. No justice of the peace, mayor or alderman of any city or town corporate, of this State, shall have jurisdiction or take cognizance of the case of any fugitive from labor from any of the United States or territories, under a certain act of congress, passed on the twelfth day of February, one thousand seven hundred and ninety-three, entitled an act respecting fugitives from justice, and persons escaping from their masters; nor shall any such officer issue or grant any certificate or warrant of removal, of any such fugitive from labor, except in the manner and for the purpose provided in this act, upon the application, affidavit or testimony of any person or persons whomsoever under the said act of congress, or under any other law, authority or act of the congress of the United States; and any such officer who shall violate the provisions of this section, shall be liable to be punished by indictment, and shall be fined in any sum not less than five hundred dollars nor more than one thousand dollars.

Upon this question the yeas and nays were demanded, and were, yeas 8, nays 26; as follows, to wit:

Yeas—Messrs. Birch, Cox, Morris, Powers, Stokely, Thomas, Wade and White—8.

Nays—Messrs. Allen, Bates, Brady, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Oliver, Rodgers,



Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Vanmeter, Walton and Speaker—26.

So the question was lost.

Mr. Powers then moved to amend the bill by adding the following as an additional section, to wit:

Sec. — That either the said claimant or the said person claimed as a fugitive from labor, shall be entitled to an appeal from the decision of said judge, to the next court of common pleas within and for said county, by giving notice of such intention, and also giving bond with security as hereinafter provided.

Upon this question the yeas and nays were demanded, and were, yeas 11, nays 23; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Hostetter, Morris, Powers, Stoke-ly, Thomas, Tracy, Wade and White—11.

Nays—Messrs. Allen, Bates, Brady, Craighill, Green, Holmes, Ihrig, Matthews, McLaughlin, Oliver, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmeter, Walton and Speaker—23.

So the question was lost.

Mr. Powers moved to amend the bill by adding the following as an additional section, to wit:

Sec. — That in all trials of persons claimed as fugitives from labor, under the provisions of this act, either party shall be entitled to have the decision of the said judge both as to the law and as to the fact, re-examined before the Supreme Court of the State, within and for said county, into which court, after decision by said judge, said cause may be removed by writ of certiorari to be allowed by any judge of the Supreme Court; and said cause when so removed to the said Supreme Court, shall be tried and determined according to the principles of the common law.

Upon this question the yeas and nays were demanded, and were, yeas 12, nays 23; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Harlan, Hostetter, Morris, Powers, Stokely, Thomas, Tracy, Wade and White—12.

Nays—Messrs. Allen, Bates, Brady, Craighill, Green, Holmes, Ihrig, Matthews, McLaughlin, Oliver, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmeter, Walton and Speaker—23.

So the question was lost.

The question then recurring upon ordering the amendments to be engrossed and the bill to be read a third time, it was taken and carried: yeas 25, nays 10; as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Green, Harlan, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Oliver, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmeter, Walton and Speaker—25.

Nays—Messrs. Birch, Cox, Fuller, Morris, Powers, Stokely, Thomas, Tracy, Wade and White—10.

The bill was accordingly ordered to be read a third time to-day.

Mr. Walton gave notice that on to-morrow or on some subsequent day of the present session, he would ask leave to introduce a bill to incorpo-

rate the presbyterian church of Malaga, in the county of Monroe, under the care and government of the general assembly of the presbyterian church in the United States.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to incorporate the Cadiz & Mt. Vernon turnpike road company;

A bill to divorce Polly Murphy from her husband Edward Murphy;

A bill to incorporate the town of Lima, in the county of Stark;

A bill to incorporate the city of Sandusky;

A bill to incorporate the first congregational presbyterian church of Strasburg, in Tuscarawas county;

A bill to incorporate the first evangelical Lutheran church of Strasburg, in Tuscarawas county;

A bill to incorporate the first methodist episcopal church of Strasburg, in Tuscarawas county;

A bill to incorporate the first united brethren in Christ church of Strasburg, in Tuscarawas county;

A bill to revive the act entitled an act to incorporate the Bellefontaine and Perrysburg rail road company, passed March 3, 1837.

The Speaker of the House has signed the following enrolled bills, to which the signature of the Speaker of the Senate is also requested, to wit:

An act to incorporate the first baptist church in Peru and vicinity, in the county of Huron;

An act to amend the act entitled an act to incorporate the Mansfield and New Haven rail road company;

An act to amend an act entitled an act to incorporate the Greenville, New Paris and New Madison turnpike company;

An act to incorporate the first presbyterian church and society, in Birmingham, Huron county;

An act to incorporate the Huron fire association;

An act to incorporate the village of Mechanicstown, in the county of Carroll.

The House has agreed to the amendments of the Senate to the bill of the House, to revive and amend an act entitled an act to incorporate the Norwalk and Huron rail road company, passed March 7, 1835.

Attest, W. H. BLODGET, *Clerk*.

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill in addition to an act entitled an act to amend an act to incorporate the Toledo and Sandusky rail road company;

A bill to amend the act entitled an act regulating the fees of county auditors, passed March 19, 1833;

A bill for the protection of orchards, gardens, and other improved lands;

A bill to make a special appropriation of the three per cent fund in the county of Belmont;

A bill to authorize a graded state road from the Ohio river, opposite the Flats of Grave Creek, to Pleasanton;

A bill to incorporate the universalist institute of Ohio city;

A bill to incorporate the trustees of the first methodist episcopal church of Columbus, in the county of Franklin;

A bill making special appropriations for works of internal improvements for the year 1839;

A bill to amend an act to provide for the partition of real estate;

A bill to incorporate the Mount Pleasant boarding school;

A bill to lay out and establish a state road in the counties of Franklin and Pickaway;

A bill to incorporate the Parkman academy, in the county of Geauga;

A bill to incorporate the first congregational society of Troy, in the county of Geauga;

A bill to incorporate the Perrysburg lyceum and library association;

A bill to diminish the costs of criminal prosecutions;

A bill to amend an act to incorporate the town of Perrysburg;

A bill to amend an act entitled an act to incorporate the Cuyahoga Falls, Medina, Wellington and Norwalk turnpike road company;

A bill to incorporate the Clermont and Woodville graded road company;

A bill making special provisions for the sale of section sixteen in township nine, and range three, in Jefferson county.

The House has passed the following bills of the Senate, to wit:

A bill to incorporate the Middlebury silk and beet sugar company, in the county of Portage, with one amendment; to which the concurrence of the Senate is requested.

A bill to incorporate the Norwalk silk manufacturing company, with one amendment; to which the concurrence of the Senate is requested.

A bill to divorce Louisa Kirsch from her husband Christian Kirsch, without amendment.

The House has agreed to the amendments of the Senate to the bill of the House to incorporate the Lancaster and Columbus turnpike company.

The House has postponed until the first Monday of December next, the bill of the Senate to erect the county of Summit.

Attest, W. H. BLOGET, Clerk.

The bills from the House were read the first time.

The amendments of the House to the bills of the Senate were agreed to.

Ordered, that the House be informed thereof.



On motion of Mr. Tod,

The bill, (H. No. 238,) in relation to fugitives from labor or service from other states was taken up and read the third time.

Mr. James moved to strike out the preamble to the bill; which was agreed to.

Mr. Smith moved to amend the bill, by way of ryder, as follows, to wit:

Sec. 13, line 1, after the word "that," insert "the fourth section of an act to regulate black and mulatto persons, passed Jan. 5, 1804, and;" which was agreed to.

Mr. Powers offered the following amendment as an additional section to the bill, to wit:

Sec. That if any person or persons, who shall have caused any supposed fugitive from labor, to be arrested and tried under the provisions of this act, or under the law of Congress approved Feb. 12, 1793, and which said fugitive shall have been adjudged not to owe service or labor to such claimant, shall afterwards on any pretext whatever sieze or cause to be siezed, such pretended fugitive, under or by authority of the provisions of this act, or of the law of Congress approved Feb. 12, 1793, with a view and for the purpose of again subjecting said supposed fugitive to trial, on the question whether such supposed fugitive does owe labor or service to such claimant: Every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be imprisoned in the jail of the county, not exceeding six months, or be fined in any sum not exceeding one thousand dollars, or both, at the discretion of the court.

Upon this question the yeas and nays were demanded, and were, yeas 11, nays 23; as follows, to wit:

Yeas—Messrs. Birch, Cox, Hostetter, Morris, Oliver, Powers, Stokely, Thomas, Tracy, Wade and White—11.

Nays—Messrs. Allen, Bates, Brady, Craighill, Fuller, Green, Harlan, Holmes, Ihrig, James, Matthews, McLaughlin, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Uter, Walton and Speaker—23.

So the question was lost,

Mr. Smith then moved to amend the bill by adding the following as a new section, to wit:

Sec. That a trial and judgment under the act of Congress entitled, "an act respecting fugitives from justice and persons escaping from the service of their masters," approved Feb. 12, 1793, or a trial and judgment under the provisions of this act, shall be adjudged a final bar to any subsequent proceeding against such fugitive, under the provisions of this act.

Upon this question the yeas and nays were demanded, and were, yeas 33, nays none; as follows, to wit:

Yeas—Messrs. Bates, Birch, Brady, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor,

Shideler, Thompson, Tod, Thomas, Tracy, Utter, Wade, Walton, White and Speaker--33.

So the question was agreed to.

The question then recurred upon the final passage of the bill, which was taken, and decided in the affirmative; yeas 26, nays 10; as follows, to wit.

Yeas--Messrs. Allen, Bates, Brady, Craighill, Green, Harlan, Holmes, Hostetter, Irig, James, Matthews, McLaughlin, Oliver, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmeter, Walton, and Speaker--26.

Nays--Messrs. Birch, Cox, Fuller, Morris, Powers, Stokely, Thomas, Tracy, Wade, and White.--10.

Ordered that the title be as aforesaid, and that the House be informed thereof.

Mr. Tod, on leave, presented petitions from citizens of Cuyahoga county, praying the incorporation of a banking institution at Cleveland; which was referred to Mr. Tod.

Mr. Tod, on leave, from the select committee on that subject, reported a bill to incorporate and establish the Cleveland and commercial railroad bank; which was read the first time.

On motion of Mr. Green,

The Senate took up the bill to revive and amend an act to incorporate the Circleville and Washington turnpike company.

On motion of Mr. Green,

The Senate insisted upon their disagreement to the amendments of the House thereto, and requested a committee of conference.

Ordered that the House be requested to concur.

Mr. Tod offered the following resolution; which was agreed to, to wit:

*Resolved by the Senate and House of Representatives, That the Speakers of the Senate and House of Representatives, be and they are hereby directed to audit the account of expenses, &c. of the joint select committee appointed to investigate the affairs of the Farmers' Bank of Canton; and that provision be made in the general appropriation bill, for the payment of the same.*

Ordered to the House for concurrence.

On motion of Mr. Stokely,

The Senate reconsidered the vote on the passage of the bill, (H. No. 345,) to amend the act to regulate the times of holding the judicial courts.

The bill was then amended, and passed.

Ordered that the title be as aforesaid, and that the House be informed thereof.

On motion of Mr. Harlan,

The bill to amend the act to incorporate the emigrants' friend society of Cincinnati, was taken up, and recommitted to the committee that reported it.

On motion of Mr. Holmes,

The Senate took up the bill to regulate sales or auction, in the county of Hamilton; and said bill was referred to the committee that reported it.

On motion of Mr. Brady.

The bill to incorporate Troy city, in the county of Tuscarawas, was taken up; and the question being,

Shall the bill pass?

It was taken and carried.

Ordered that the title be as aforesaid and that the concurrence of the House be requested.

A message from the House of Representatives.

Mr. Speaker:

The House has agreed to the amendments of the Senate to the bill of the House, (No. 56.) to incorporate the Dayton western turnpike company.

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to amend an act entitled, an act for granting licenses in certain cases, passed March 14, 1831.

The house has passed the following bills of the Senate, to wit:

A bill for the relief of Ethan Stone, with one amendment, to which the concurrence of the Senate is requested.

A bill making appropriation for the payment of Benedict Lutes and J. B. Crist, without amendment.

The following bills have been reported to the house and read the first time, to wit:

A bill to vacate a certain alley in the town West Massillon;

A bill to incorporate the German evangelical protestant church of St. John;

A bill to incorporate the first baptist church at Sunbury, Delaware county Ohio;

A bill to incorporate the first baptist church at Mill creek, Delaware county;

A bill further to amend the act entitled, an act to prohibit the issuing and circulating of unauthorized bank paper, passed January 27, 1814;

A bill to incorporate the State Bank of Ohio;

A bill to incorporate the regular baptist church of Christ in Bucyrus in the county of Crawford.

Attest,

W. H. BLODGET, *Clerk*

The bill from the House were read the first time.

On motion of Mr. Oliver,

The bill and amendments from the House were laid upon the table.

Ordered that the house be informed thereof.

Mr. McLaughlin moved that the Senate adjourn, upon which question the yeas and nays were demanded, and were, yeas 16, nays 13; as follows, to wit:



Yeas—Messrs. Fuller, Green, Harlan, Hostetter, McLaughlin, Oliver, Rodgers, Smith, Stokely, Saylor, Tod, Thomas, Tracy, Utter, White, and Speaker—16.

Nays—Messrs. Allen, Bates, Birch, Brady, Cox, Ihrig, Matthews, Morris, Shannon, Spangler, Shideler, Thompson, and Wade—13.

So the question was carried, and half past 3 o'clock P. M., Feb. 22d, the Senate adjourned.

Attest,

C. J. McNULTY, *Clerk.*

SATURDAY, *February 23, 1839.*

The Senate met pursuant to adjournment.

Mr. Rodgers presented a petition from citizens of Scioto county, praying an extension of the Portsmouth and Hanging Rock turnpike road to Guyandotte; which was laid upon the table.

Mr. Fuller presented a petition from citizens of Albion, Cuyahoga county, for an alteration of the charter of said town; which was referred to Mr. Fuller.

Mr. Powers presented a petition from citizens of the State, praying the passage of a general banking law; which was laid upon the table.

Mr. Birch presented a petition from citizens of the State, praying the passage of a general banking law; which was laid upon the table.

Mr. Walton presented a petition from citizens of Monroe county, praying the passage of the law abolishing imprisonment for debt; which was laid upon the table.

Mr. Stadden presented the proceedings of a public meeting of the citizens of Granville, in Licking county, against the abolition of the office of superintendent of common schools; which was referred to the standing committee on schools and school lands.

Mr. Spangler, from the standing committee on finance, to which was recommitted the bill (S. No. 124) for the relief of the Willoughby university of Lake Erie, reported the same back without amendment.

Mr. Walton moved that the further consideration of the bill be indefinitely postponed.

Upon which question,

Mr. Fuller demanded the yeas and nays, which were ordered, and were, yeas 20, nays 15—as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Graighill, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, and Speaker—20.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, Morris, Oliver, Powers, Rodgers, Stokely, Thomas, Tracy, Vanmeter, Wade, and White—15.

So the question was carried.

Mr. Green, from the standing committee on medical colleges and societies, to which was recommitted the bill (H. No. 66) in relation to the medical and surgical supervision of the commercial hospital and

lunatic asylum of Ohio, reported the same back with sundry amendments; which were agreed to.

The question being on ordering the bill to be read a third time,

The yeas and nays were demanded, and were, yeas 31, nays 3—as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Cox, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Tracy, Utter, Vanmeter, Walton, White, and Speaker—31.

Nays—Messrs. Thompson, Thomas, and Wade—3.

So the question was carried, and the bill was ordered to be read a third time on Monday next.

Mr. Oliver, from the standing committee on agriculture, commerce, and manufactures, to which was recommitted the bill (H. No. 201) authorizing the establishment of agricultural societies within the several counties of this State, and for the regulation of the same, reported the same back with one amendment; which, together with the bill,

On motion of Mr. Cox,

Committed to the committee of the whole senate, and made the order of the day for this day.

Mr. Stokely, from the standing committee on colleges and universities, to which was recommitted the bill (H. No. 117) to incorporate the Oxford female academy, reported the same back without amendment.

And the question being on ordering the bill to be read a third time,

The yeas and nays were demanded by Mr. Tod, and were, yeas 26, nays 6—as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Oliver, Powers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tracy, Vanmeter, Wade, Walton, White, and Speaker—26.

Nays—Messrs. Bates, Brady, Harlan, Thompson, Tod, and Utter—6.

So the question was carried, and the bill was ordered to be read a third time on Monday next, in order to its final passage.

Mr. Matthews, from the standing committee on canals, to which was recommitted the bill (S. No. 25) to provide for the extension of the Walhonding canal, up the Kilbuck creek, to Millersburgh, in the county of Holmes, reported the same back with sundry amendments.

On motion of Mr. Harlan,

The bill and amendments were laid upon the table.

Mr. Oliver, from the standing committee on agriculture, commerce, and manufactures, to which was recommitted the bill (H. No. 71) to incorporate the Belmont manufacturing company, reported the same back with sundry amendments; which were agreed to, and the bill ordered to be read a third time on Monday next, in order to its final passage.

Mr. Cox, from the committee on enrollment, reported that said

committee had examined and found duly enrolled the following bills, to wit:

An act to authorize the fund commissioners of Clinton county to loan money to the town council of the town of Wilmington;

An act defining the duties of the canal commissioners, the canal fund commissioners, and the auditor of state;

An act to incorporate the first presbyterian church of St. Mary's, in the county of Mercer;

An act to divorce Louisa Kirsch from her husband, Christian Kirsch.

Mr. Cox also reported that the same committee had deposited in the office of the secretary of state, and had taken his receipt for, the following acts, to wit:

An act to create the thirteenth judicial circuit in Ohio;

An act to provide for the more effectual punishment of certain offences in the county of Cuyahoga;

An act for the regulation of incorporated towns;

An act to vacate part of a state road in the counties of Columbiana and Stark;

An act to change the name of the town of Guilford, in the county of Mercer;

An act to repeal the act incorporating the village of Brighton;

An act further to amend the act entitled an act for opening and regulating roads and highways, passed March 14, 1831;

An act to amend an act entitled an act to incorporate the trustees of the Windham school fund, passed February 18, 1830;

An act to lay out and establish a state road in the counties of Cuyahoga, Medina, and Wayne;

An act to organize the town of Hamilton, in the county of Butler, in two separate and independent school districts;

An act to incorporate the Liverpool and Massillon McAdamized road company;

An act to incorporate the first baptist church in Peru and vicinity, in the county of Huron;

An act to incorporate the Huron fire association;

An act to amend the act entitled an act to incorporate the Mansfield and New Haven railroad company;

An act to amend an act to incorporate the Greenville, New Madison, and New Paris turnpike company;

An act to incorporate the first presbyterian church and society in Birmingham, Huron county;

An act to incorporate the village of Mechanicstown, in the county of Carroll.

Mr. Tod, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 80) for the relief of Abner Enoch, reported the same back with one amendment.

On motion of Mr. Walton,

The bill and amendment were committed to a committee of the whole senate, and made the special order of the day for Monday next.



Mr. Matthews, from the standing committee on canals, to which was recommitted the bill (H. No. 173) to abolish the board of canal commissioners, and to revive the board of public works, reported the same back without amendment.

On motion of Mr. Walton,

The bill was committed to a committee of the whole senate, and made the special order of the day for Tuesday next.

Mr. Stokely, from the committee on that subject, reported a bill to incorporate the associate reformed church of Knoxville, in the county of Jefferson; which was read the first time.

Mr. Stadden, from the select committee on that subject, reported a bill to amend the act to incorporate the first presbyterian and congregational church and society of Granville, in the county of Licking; which was read the first time.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(H. No. 238.) A bill to incorporate the first congregational society of Troy, in the county of Geauga;

(H. No. 293.) A bill to incorporate the trustees of the first methodist episcopal church of Columbus, in the county of Franklin;

(H. No. 246.) An act to make special appropriation of a part of the three per cent. fund in the county of Belmont;

(H. No. 252.) An act to amend an act regulating the fees of county auditors, passed March 9, 1838.

The following bills were read the second time; and,

On motion of Mr. Smith,

Recommitted to the standing committee on the judiciary, to wit:

H. No. 89. A bill to diminish the cost of criminal prosecutions;

H. No. 225.) A bill to amend an act entitled an act for granting licenses in certain cases, passed March 14, 1831;

(H. No. 216.) An act to amend an act to provide for the partition of real estate.

The following bill was read the second time; and,

On motion of Mr. Thomas,

Recommitted to the standing committee on the judiciary, to wit:

(H. No. 241.) A bill to amend an act to incorporate the town of Perrysburg.

The following bills were read the second time; and,

On motion of Mr. Tod,

Recommitted to the standing committee on colleges and universities, to wit:

(H. No. 242.) An act to incorporate the Perrysburg lyceum and library association;

(H. No. 249.) A bill to incorporate the universalist institute of Ohio city;

(H. No. 239.) A bill to incorporate the Parkman academy, in the county of Geauga;

(H. No. 100.) A bill to incorporate the Mount Pleasant boarding

school, and to adjust the difficulties existing between the orthodox and Hicksites' society of friends relative thereto.

The following bill was read the second time; and,

On motion of Mr. Smith,

Recommitted to the standing committee on finance, to wit:

(H. No. 331.) A bill making special appropriations for works of internal improvement for the year 1839.

The following bills were read the second time; and,

On motion of Mr. Thomas,

Recommitted to the standing committee on roads and highways, to wit:

(H. No. 240.) A bill to lay out and establish a State road in the counties of Pickaway and Franklin;

(H. No. 250.) A bill to incorporate the Clermont and Woodville graded road company;

(H. No. 244.) A bill to authorize a graded state road from the Ohio river, opposite the Flats of Grave creek, to Pleasanton.

The following bills were severally read the second time; and,

On motion of Mr. Bates,

Recommitted to the standing committee on railroads and turnpikes, to wit:

(H. No. 237.) An act to amend an act to incorporate the Cuyahoga Falls, Medina, Wellington, and Norwalk turnpike road company;

(S. No. 171.) A bill to incorporate the Lancaster, Carroll, Pickerington, and national road turnpike company;

(H. No. 253.) A bill in addition to an act entitled an act to amend an act to incorporate the Sandusky, Toledo, and Michigan city railroad company.

The following bill was read the second time, and,

On motion of Mr. Thomas,

Recommitted to the standing committee on the currency, to wit:

(S. No. 172.) A bill to incorporate the Cleveland commercial and railroad bank.

The following bill was read the second time; and,

On motion of Mr. Smith,

Recommitted to the standing committee on agriculture, commerce, and manufactures, to wit:

(H. No. 251.) An act for the protection of orchards, gardens, and other improved lands.

The following bill was read the second time; and,

On motion of Mr. Thomas,

Recommitted to the standing committee on schools and school lands, to wit:

(H. No. 247.) A bill making special provisions for the sale of section sixteen, in township nine, and range three, in Jefferson county.

A message from the House of Representatives.

Mr. Speaker:

The house has agreed to the resolution of the senate providing for the election of one president judge for the thirteenth judicial circuit of Ohio, with some amendments, to which the concurrence of the senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The amendments of the house to the resolution of the senate were agreed to.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills to which the concurrence of the Senate is requested, to wit:

A bill to amend an act to incorporate the Fairhaven, Rutland, and Athens turnpike company;

A bill to incorporate the union class of the church of the united brethren in Christ Jesus, in Rush Creek township, Fairfield county;

A bill to authorize a graded state road in the counties of Monroe and Morgan;

A bill to repeal an act to provide for the erection of the townships of Sulphur, Spring, Pleasant, and Adams, in the county of Seneca;

A bill to amend the act entitled an act to regulate the mode of petitioning the legislature in certain cases;

A bill to incorporate the philomathean society of the Ohio university, in the town of Athens;

A bill to incorporate the Dayton mechanics' institute;

A bill to incorporate the Elizabethtown circulating library society, in the county of Licking;

A bill to incorporate the first presbyterian church of Bronson township, in the county of Huron;

A bill to incorporate St. Mary's church in Marietta, in the county of Washington;

A bill to appoint a road commissioner;

A bill for the relief of Morris Seely.

The House has passed the following bills of the Senate, to wit:

A bill to incorporate the evangelical protestant congregation of Monroe county;

A bill to lay out and establish a graded State road in the counties of Lawrence, Scioto, and Jackson.

The following bills have been reported to the House and read the first time, to wit:

A bill to lay out a state road in the counties of Preble and Butler;

A bill to incorporate the methodist episcopal church of Granger, in Medina county.

Attest,

W. H. BLODGET, *Clerk.*

The bills from the House were read the first time.

Mr. James, pursuant to previous notice, asked and obtained leave,



and introduced a bill to punish willful injuries to railroads; which was read the first time.

Mr. Walton, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the presbyterian church of Malaga, in the county of Monroe, under the care and government of the general assembly of the presbyterian church in the United States; which were read the first time.

A message from the House of Representatives.

Mr. Speaker:

The house has passed a resolution for printing extra copies of the act regulating the times of holding the judicial courts, to which the concurrence of the senate is requested.

The house has passed a resolution permitting James Engle to attend the institution for the blind, &c., to which the concurrence of the senate is requested.

The house has agreed to the amendments of the senate to the bill to amend the act fixing the times of holding judicial courts.

Attest:

W. H. BLODGET, *Clerk*.

The resolutions from the house were agreed to.

Ordered that the House be informed thereof.

Mr. Wade gave notice, that at some subsequent day of the present session he would, on behalf of himself and other, enter his protest against the passage of the act entitled, an act relating to fugitives from labor or service from other states.

Message from the House of Representatives.

Mr. Speaker:

The house has agreed to the amendments of the senate to the bill of the house relating to fugitives from labor or service from other states.

Attest,

W. H. BLODGET, *Clerk*.

On motion of Mr. Walton,

The bill (H. No. 36) for the relief of John Wolf, was taken up, amended, and,

On motion of Mr. James,

Recommitted to the standing committee on finance.

Mr. Spangler offered the following resolution:

*Resolved by the General Assembly of the State of Ohio, That James Hedges of Richland county be and he is hereby appointed register of the Virginia military district school lands, for the term of three years from and after the first day of April, eighteen hundred and thirty-nine, whose term of service expires at that time.*

Mr. Ihrig moved to amend the resolution, by striking out "James Hedges," and inserting in lieu thereof, "Daniel J. Sweeny."

Upon which question,

The yeas and nays were demanded, and were, yeas 8, nays 26, as follows:

Yeas—Messrs. Holmes, Ihrig, Stadden, Thompson, Tod, Uitter, Walton and Speaker—8.

Nays—Messrs. Allen, Bates, Birch, Brady, Cox, Fuller, Green, Harlan, Hostetter, James, Matthews, McLaughlin, Morris, Oliver, Powers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Thomas, Tracy, Vanmetre, Wade and White—26.

So the question was decided in the negative.

The resolution was then agreed to.

Ordered that the House be informed thereof.

Mr. Smith offered the following resolution; which was agreed to, to wit:

*Resolved*, That the standing committee on public institutions be instructed to inquire into the expediency of providing by law, for the purchase, on behalf of the state, of an additional quantity of land for the use of the Ohio lunatic asylum.

Mr. Fuller, on behalf of himself and other members of the senate, pursuant to previous notice, asked and obtained leave to place upon the journals, the following protest:

The undersigned members of the senate, from a sense of justice to themselves, and of duty to the people of the state, imposed upon them by the responsible station which they occupy, have been compelled to ask leave to place upon its journals the reasons which have urged them to oppose the resolution which passed the senate on the 18th inst., for the adjournment of both branches of the legislature *sine die* on the 11th day of March next.

And while they disclaim all intention of casting censure upon those who have differed with them in opinion on this subject, they deem it necessary, to a full understanding of the course they have felt themselves bound by a sense of public duty to pursue, to state the information upon which they have acted, and the motives by which they have been guided, in dissenting from, and protesting against the passage of the above mentioned resolution.

At the time of the passage of this resolution, there had been about 550 bills introduced, and the expense of their printing incurred. Of that number about 350 had not been definitely acted upon by both branches of the legislature, and it was certain that a large number more would be introduced. Among the bills not acted upon, were some of the most important measures of the session, that had not yet been even debated. In addition to the bills, a large number of resolutions were on our tables—some of them important and not yet acted upon.

Under these circumstances the resolution passed. The seventeen business days to which the legislature, by the resolution, would be limited, the undersigned believe to be utterly insufficient, in which to duly consider and properly to act upon the above amount of business, and consequently that what is done will be done hastily and without

due deliberation; that a large portion of the business now on our tables must be inevitably postponed, and the just expectations of the people, that their business will be properly done, will be necessarily disappointed.

Under these circumstances, and with this information, the undersigned voted against the resolution; and in order to cast from them the imputation that they voted against said resolution, without good and sufficient reasons, they ask leave to place on the journal this protest.

*Simeon Fuller,  
Heman Birch,  
Samuel J. Cox,  
Thos. Shannon,  
Jas. Thompson,  
Wm. J. Thomas,  
John H. James,  
Wm. McLaughlin.*

On motion of Mr. Wade,

The senate took up the bill (S. No. 20) to suspend the operation of the act entitled, an act to authorize a loan of credit by the state of Ohio to railroad companies, and to authorize subscriptions by the state to the capital stock of turnpike, canal and slackwater navigation companies, passed March 24, 1837.

The question being,  
Shall the bill pass?

The yeas and nays were demanded, and were, yeas 12, nays 23, as follows, to wit:

Yeas—Messrs. Allen, Cox, Craighill, Holmes, Hostetter, Powers, Shannon, Spangler, Tod, Utter, Wade and Walton—12.

Nays—Messrs. Bates, Birch, Brady, Fuller, Green, Harlan, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Smith, Stokely, Saylor, Shideler, Stadden, Thompson, Thomas, Tracy, Vanmeter, White, and Speaker—23.

So the question was decided in the negative.

On motion of Mr. Matthews,

The senate took up the bill (S. No. 25) to provide for the extension of the Walhonding canal up the Kilbuck creek to Millersburg, in the county of Holmes, and the pending amendments were agreed to.

And the question being,  
Shall the bill pass?

The yeas and nays were demanded, and were, yeas 18, nays 17, as follows:

Yeas—Messrs. Allen, Bates, Birch, Brady, Craighill, Green, Hostetter, Ihrig, Matthews, McLaughlin, Powers, Shannon, Saylor, Shideler, Stadden, Vanmetre, Walton and Speaker—18.

Nays—Messrs. Cox, Fuller, Harlan, Holmes, James, Morris, Oliver, Smith, Stokely, Spangler, Thompson, Tod, Thomas, Tracy, Utter, Wade, and White—17.

So the question was carried.



Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

On motion of Mr. Stokely,

The bill (S. No. 75) to incorporate the free church of Warrenton, in the county of Jefferson, was taken up, and ordered to be engrossed for its third reading, in order to its final passage on Monday next.

On motion of Mr. Thompson,

The senate took up the bill (H. No. 32) to divorce William Mankins from his wife, Mahala Mankins.

And the question being,

Shall the bill pass?

Mr. James moved to prefix the following preamble thereto:

Whereas, William Mankins, in the month of December, 1834, being then seventeen years of age, absconded from his father's house in Columbiana county, and in a state of intoxication fled into the state of Pennsylvania, with a dissolute woman called Mahala, who was then twenty-eight years of age, and was there married to her: and whereas the said William returned in a few hours to his father's house with his wife, who is the mother of two bastard children; whereupon the said William abandoned his said wife, and has ever since refused to live with her; therefore.

Upon this question the yeas and nays were demanded, and were, yeas 15, nays 20, as follows:

Yeas—Messrs. Cox, Harlan, James, Morris, Oliver, Powers, Smith, Stokely, Spangler, Saylor, Thomas, Utter, Vanmeter, White and Speaker—15.

Nays—Messrs. Allen, Bates, Birch, Brady, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Shideler, Stadden, Thompson, Tod, Tracy, Wade, and Walton—20.

So the question was lost.

The question then recurring on the final passage of the bill, it was taken, and decided in the affirmative, yeas 21, nays 14, as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Stokely, Shannon, Shideler, Stadden, Thompson, Tod, Tracy, Wade, Walton and White—21.

Nays—Messrs. Cox, Green, Harlan, James, Morris, Oliver, Powers, Smith, Spangler, Saylor, Thomas, Utter, Vanmeter, and Speaker—14.

So the question was carried.

Ordered, that the title be as aforesaid, and that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The hall of the house is now ready for the reception of the senate, to proceed to the election of one president judge for the 13th judicial circuit of Ohio, in pursuance of a resolution this day passed for that purpose.

Attest,

W. H. BLODGET, *Clerk.*

The senate then, preceded by their speaker and clerk, repaired to the hall of the house of representatives, and being seated within the bar of the house, both houses proceeded, in pursuance of a joint resolution heretofore passed, to elect one president judge for the thirteenth judicial circuit in Ohio, and the following was the result, to wit:

For Emery D. Potter.....	79 votes.
Blanks.....	21

Emery D. Potter having received a majority of all the votes given, was by the speaker of the senate, in the presence of both houses, declared to be duly elected president judge of the thirteenth judicial circuit in Ohio, to serve for the constitutional term of seven years, from and after this day.

The election being over, the senate returned to their chamber.

On motion of Mr. Thompson,

The Senate adjourned until Monday morning, 9 o'clock.

Attest:

C. J. McNULTY, *Clerk.*

MONDAY, *February 25*, 1839.

The Senate met pursuant to adjournment.

Mr. Brady presented a petition from citizens of Tuscarawas county, praying the passage of an act authorizing the trustees of Perry township, in said county, to sell certain lots and apply the proceeds to the erection of a House of public worship; which was referred to Mr. Brady.

Mr. Oliver presented a petition from the president of the Cincinnati, Columbus and Wooster turnpike company, praying an amendment of the charter of said company; which was referred to the standing committee on rail roads and turnpikes.

Mr. Oliver presented a petition from citizens of Cincinnati, praying an amendment of the laws regulating labor in the Ohio penitentiary; which was referred to the standing committee on the penitentiary.

Mr. Bates presented petitions and remonstrances for and against the removal of the seat of justice of Lucas county; which were referred to the standing committee on new counties.

Mr. Walton presented the petition of Jacob Wink, of Monroe county, for relief, by setting aside the proceedings in relation to the sale of a certain tract of land in said county; which was referred to the standing committee on the judiciary.

Mr. Tod presented a petition from citizens of Cuyahoga county, praying that banking powers may be given to the Cleveland and Warren Rail-road company; which was laid upon the table.

Mr. Holmes presented a petition from citizens of Cincinnati, praying the incorporation of the Hibernian society of Cincinnati; which was referred to Mr. Holmes.

Mr. Allen presented a petition from citizens of Marion county, praying the abolition of the office of superintendent of common schools; which was referred to the standing committee on schools and school lands.

Mr. Powers presented a petition from citizens of Geauga county, praying the prohibition of the sale of ardent spirits, except as a medicine; which was referred to the standing committee on the judiciary.

Mr. Powers presented a petition from citizens of the State, praying the passage of a general banking law; which was laid upon the table.

Mr. Ihrig, from the standing committee on roads and highways, to which petitions praying the location of a graded State road leading from Bateleysville in Wayne county, to Danville in Knox county, had been referred, made the following report, which was agreed to, to wit:

The standing committee on roads and highways, to whom was referred a petition praying for a graded State road, commencing at Bateleysville in Wayne county, by Conner's Mill in Holmes county, to Danville in Knox county, now report:

Your committee are of the opinion that the prayers of the petitioners should not be granted at this time. Your committee are informed that there is a strong opposition against the proposed rout in Wayne county. We offer for adoption the following resolution:

*Resolved*, That the petition and papers be postponed till the first Monday of December next.

Mr. Saylor, from the standing committee on rail roads and turnpikes, to which was recommitted the bill (S. No. 50,) to further amend the several acts incorporating the Cincinnati, Columbus and Wooster turnpike company, and for other purposes, made the following report; which was agreed to, to wit:

The standing committee on rail roads and turnpikes, to which was referred so much of the unfinished business of the last session as relates to the amendment of the several acts incorporating the Cincinnati, Columbus and Wooster turnpike company, have had the same under consideration, and recommend the adoption of the following resolution, to wit:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the same be postponed to the first Monday in December next.

The bill was accordingly postponed until the first Monday in December next.

Ordered, that the House be informed thereof.

Mr. Fuller, from the standing committee on schools and school lands, to which was recommitted the bill (H. No. 247,) making special provisions for the sale of section sixteen, in township nine and range three, in Jefferson county, reported the same back without amendment, and recommended the passage thereof.



The bill was then ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Walton, from the standing committee on the judiciary, to which was recommitteed the bill (H. No. 241) to amend the act to incorporate the town of Perrysburg, reported the same back without amendment.

On motion of Mr. Walton,

The bill was committed to a committee of the whole Senate, and made the order of the day for this day.

Mr. Matthews, from the standing committee on canals, to which was recommitteed the bill (S. No. 154) to authorize the commissioners of Fairfield county to construct a bridge across the Ohio canal, reported the same back without amendment.

On motion of Mr. Thomas,

The bill was committed to a committee of the whole Senate and made the order of the day for this day.

Mr. Matthews, from the standing committee on canals, reported a bill providing for the enlargement of the lock at the mouth of Symmes' creek on the Muskingum river; which was read the first time.

Mr. Oliver, from the standing committee on agriculture, commerce and manufactures, made the following report to wit:

A majority of the standing committee on agriculture, commerce and manufactures, to which was referred the memorial of sundry citizens of the State, asking that dogs may be taxed, &c. have considered the same, and report as follows:

The memorialists complain that the number of dogs discourage the people from raising sheep. Dogs are destructive animals on sheep, and their depredations being generally in the night, it is so difficult to identify the guilty animal that the existing laws on the subject are rendered inefficient.

A majority of your committee regard the prayer of the petitioners reasonable and entitled to consideration. Wool growing is regarded as a profitable branch of husbandry, if the sheep can be protected against the ravages of the dog.

There is another consideration involved in the subject. If the malady of hydrophobia can be lessened by enactments operating to reduce the number of dogs, such legislation is demanded. The purposes of education also justify the tax.

Horses and cattle, necessary for the comfort and support of the people, are taxed for State purposes, and your committee cannot see why the dog should be exempt under existing circumstances.

A majority of your committee report a bill to that end.

Mr. Hostetter dissents.

The bill to authorize the taxation of dogs was read the first time.

Mr. Fuller, from the select committee on that subject, reported a bill to amend the act entitled, an act to incorporate the town of Albion, in

the county of Cuyahoga, passed March 8th, 1836; which was read the first time.

Mr. Craighill, from the select committee on that subject, made the following report, which was agreed to, to wit:

The select committee to whom was referred sundry petitions from citizens of Crawford and Seneca counties praying for a special appropriation of a part of the three per cent. fund, has had the same under consideration, and now ask leave to report:

That the present law for distributing the three per cent. fund is the most equitable as well as satisfactory manner of distributing the same. The committee would recommend the adoption of the following resolution:

*Resolved*, That the committee be discharged from the consideration of the subject.

Mr. Craighill, from the select committee on that subject, made the following report; which was agreed to, to wit:

The select committee to whom was referred sundry petitions from citizens of Seneca and Sandusky counties, praying for a special appropriation of a part of the three per cent. fund, has had the same under consideration, and now ask leave to report:

That the present law for distributing the three per cent. fund is the most equitable as well as satisfactory manner of distributing the same.

The committee would recommend the adoption of the following resolution:

*Resolved*, That the committee be discharged from the consideration of the subject.

The following bill was read the second time, and,

On motion of Mr. Shideler,

Recommitted to the standing committee on the judiciary, to wit:

(H. No. 269.) A bill for the relief of Morris Seely.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(H. No. 214.) A bill to repeal an act to provide for the erection of the townships of Sulphur Spring, Pleasant and Adams, in the county of Seneca;

(H. No. 268.) A bill to incorporate the first presbyterian church of Bronson township, in the county of Huron;

(H. No. 261.) A bill to authorize a graded State road in the counties of Monroe and Morgan;

(H. No. 258.) A bill to incorporate the Philomathean society of the Ohio university in the town of Athens;

(H. No. 259.) A bill to incorporate the union class of the church of the united brethren in Christ Jesus, in Rush Creek township, Fairfield county;

(H. No. 265.) A bill to incorporate the Elizabethtown circulating library society in the county of Licking;

(H. No. 256.) A bill to amend the act to incorporate the Fair Haven, Rutland and Athens turnpike company;

(H. No. 260.) A bill to appoint a road commissioner;

(H. No. 266.) A bill to incorporate the Dayton mechanics' institute;

(H. No. 267.) A bill to incorporate the St. Mary's church in Marietta in the county of Washington;

(S. No. 173.) A bill to incorporate the associate reformed church of Knoxville in the county of Jefferson;

(S. No. 174.) A bill to amend an act of incorporation of the first presbyterian or congregational church and society of Granville in Licking county;

(S. No. 175.) A bill to incorporate the presbyterian church of Malaga in Monroe county, under the care and government of the general assembly of the presbyterian church in the United States.

The following bill was read the second time, and,

On motion of Mr. James,

Recommitted to the standing committee on the judiciary, to wit:

(S. No. 176.) A bill to punish wilful injuries to railroads.

The following bill of the Senate was read the third time and passed, to wit:

A bill to incorporate the free church of Warrenton in the county of Jefferson.

Ordered that the title be as aforesaid, and that the concurrence of the House be requested.

The following bills of the House were read the third time and passed, to wit:

An act in relation to the medical and surgical supervision of the commercial hospital and lunatic asylum of Ohio;

An act to incorporate the Belmont manufacturing company;

An act to incorporate the Oxford female academy.

Ordered, that the titles be as aforesaid, and that the concurrence of the House in the amendment thereto be requested.

On motion of Mr. Shideler,

The bill (H. No. 115) to amend the act entitled, An act to provide for the incorporation of townships, was taken up, and the question being on ordering the bill to a third reading, the yeas and nays were demanded, and were, yeas 18, nays 16, as follows, to wit:

Yeas—Messrs. Allen, Bates, Brady, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Walton and Speaker—18.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Smith, Stokely, Thompson, Thomas, Tracy, Vanmetre and Wade—16.



So the question was carried, and the bill was ordered to be read a third time on to-morrow.

Mr. Tod offered the following resolution, to wit:

*Resolved*, That a message be sent to the House of Representatives, respectfully requesting them to return to the Senate, Senate bill No. 25, that the Senate may take such further order thereon as the Senate may think proper.

Mr. Matthews moved that the Senate proceed to the orders of the day; upon which question the yeas and nays were demanded, and were, yeas 17, nays 16; as follows, to wit:

Yeas—Messrs. Allen, Birch, Brady, Cox, Craighill, Fuller, Hostetter, Ihrig, Matthews, McLaughlin, Oliver, Powers, Saylor, Shideler, Stadden. Thompson and Speaker—17.

Nays—Messrs. Bates, Green, Harlan, Holmes, James, Morris, Smith, Shannon, Spangler, Tod, Thomas, Tracy, Utter, Vanmetre, Wade and Walton—16.

So the question was carried, and the Senate resolved itself into a committee of the whole, Mr. Tod in the chair, on the orders of the day, and after some time spent therein, the committee rose, and reported back the following bills, to wit:

(H. No. 61.) An act to amend the act to incorporate the town of Newark, and the several acts amendatory thereof, with one amendment; which was agreed to, and the bill was ordered to be read a third time on to-morrow, in order to its final passage;

(H. No. 18.) A bill to incorporate the Massillon cemetery association, without amendment; and the bill was ordered to be read a third time on to-morrow, in order to its final passage;

(H. No. 69.) An act to incorporate the Leading creek toll bridge company in the county of Meigs, without amendment.

On motion of Mr. Smith,

The bill was laid upon the table.

(A. No. 139.) An act amendatory of an act entitled, An act regulating judgments and executions, passed March 1st, 1834, with sundry amendments.

On motion of Mr. Walton,

The bill and amendments were committed to the standing committee on the judiciary.

(H. No. 80.) A bill for the relief of Abner Enock, with one amendment; which was agreed to.

The question being on ordering the bill to a third reading, Mr. Thompson demanded the yeas and nays, which were ordered, and were, yeas 25, nays 9—as follows, to wit:

Yeas—Messrs. Bates, Birch, Brady, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Oliver, Powers, Smith, Saylor, Shideler, Stadden, Tod, Thomas, Tracy, Utter, Wade, Walton and Speaker—25.

Nays—Messrs. Allen, Cox, James, Morris, Stokely, Shannon, Spangler, Thompson and White—9.

So the question was carried, and the bill was ordered to be read a third time on to-morrow.

The Speaker presented the following communication from the Governor, to wit:

EXECUTIVE OFFICE, OHIO,  
Columbus, Feb. 25th, 1839.

*To the General Assembly of Ohio:*

GENTLEMEN:—A vacancy has occurred in the office of major general of the 9th division in the militia of this State, by the resignation of major general Asahel Brainard.

I am, with great respect,

Your obedient servant,

WILSON SHANNON.

On motion of Mr. Tod,

The communication was laid upon the table.

Mr. Holmes, from the select committee appointed to inquire whether any additional compensation is necessary to be allowed the State printer, &c., made the following report, to wit:

(See Appendix, N, p. 23.)

On motion of Mr. Holmes,

The report was laid upon the table.

Mr. Thomas offered the following resolution, which was agreed to, to wit:

*Resolved*, That the Governor be and he is hereby requested, to communicate to the Senate at as early a day as practicable, what steps have been taken by him to ascertain the amount of lands due the State, under the grant of Congress to aid in the construction of the Miami canal, and of the Wabash and Erie canal, and that he communicate to the Senate all correspondence by himself or agent with the commissioner of the general land office upon the subject, together with any other information in his possession in relation and pertinent thereto.

Mr. Tracy, on leave, from the select committee on that subject, reported a bill to authorize the bank of Norwalk to establish a branch in the town of Huron; which was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill, to which the concurrence of the Senate is requested, to wit:

A bill to incorporate the town of Patriot in the county of Gallia;

A bill to incorporate the Milan and Elyria turnpike company;

A bill to divide the township of Dayton into two election districts;

A bill to incorporate the Claridon draining company in the county of Geauga;

A bill to divorce Eliza Stone from her husband Clayborne Stone;

A bill to authorize a state road in the counties of Sandusky and Seneca;

A bill to change the name of the town of Vermillion in Richland county to that of Savanna;

A bill to incorporate the methodist book concern at Cincinnati.

The House has passed the following bill of the Senate, to wit:

A bill to amend an act entitled an act to authorize the corporations therein named to grant licenses, &c., passed Feb. 18, 1830.

The Speaker of the House has signed the following enrolled bills to which the signature of the Speaker of the Senate is also requested, to wit:

An act providing for the appointment of a board of bank commissioners, and for the regulation of banks within the State of Ohio;

An act to incorporate the town of M'Connellsville;

An act to lay out and establish a state road in the counties of Mercer and Vanwert;

An act to authorize the corporate authorities of the city of Chilli-cothe to borrow money for school purposes;

An act to incorporate the St. John's church of Lancaster, in Fair-field county;

An act to amend the act making provision for carrying into effect the act for the punishment of crimes, passed Feb. 24, 1835;

An act to incorporate the first regular baptist church of Day-ton;

An act defining the duties of the canal commissioners, the canal fund commissioners, and the auditor of State;

An act to incorporate the first presbyterian church of St. Mary's in the county of Mercer;

An act to divorce Louisa Kersch from her husband Christian Kersch;

An act to amend the act to regulate the times of holding the judicial courts;

An act to authorize the fund commissioners of Clinton county to loan money to the town council of the town of Wilmington;

A joint resolution to fill the board of trustees of the college of Rip-ley, in the county of Brown.

The House has adopted a resolution appointing commissioners to review the present county seat of Mercer county, to which the concurrence of the Senate is requested.

The following bills have been reported to the house and read the first time, to wit:

A bill to incorporate the Sydney, Carysville and Millerstown turn-pike company;

A bill to incorporate the New Richmond turnpike road company;

A bill to incorporate the Monroeville fire company, No. 1.



The house has agreed to the resolution of the senate proving for auditing and settling the expenses of the joint select committee appointed to investigate the affairs of the Canton Bank.

Attest, W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

The bills from the House were read the first time.

On motion of Mr. Tod,

The resolution from the House was laid upon the table.

A message from the House of Representatives.

Mr. Speaker:

The house has agreed to the amendment of the Senate to the amendments of the house to the bill of the senate, to revive and amend an act entitled, an act to incorporate the Circleville and Washington turnpike company, and receded from their amendment to the same bill as disagreed to by the senate.

Attest, W. H. BLODGET, *Clerk.*

On motion of Mr. Fuller,

The senate resolved itself into a committee of the whole, Mr. Bates in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported back the following bills, to wit:

(S. No. 81.) A bill to establish a superior court in the city of Cleveland with one amendment.

On motion of Mr. Fuller,

The further consideration of the bill was indefinitely postponed.

Ordered that the house be informed thereof.

(S. No. 114.) A bill to amend the act entitled an act to incorporate the town of Xenia in the county of Green, without amendment.

On motion of Mr. Smith,

The bill was laid upon the table.

(S. No. 112.) A bill to authorize the commissioners of Portage county to borrow money, without amendment.

The bill was ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

(H. No. 104.) An act to incorporate the first universalian religious library society of Harmar, with one amendment; which was agreed to, and the bill was ordered to be read a third time on to-morrow in order to its final passage.

Mr. Bates gave notice that on to-morrow or some subsequent day of the session, he would ask leave to introduce a bill to incorporate the Ohio navigation company.

On motion of Mr. Harlan,

The Senate took up the bill, (H. No. 69,) to incorporate the Leading creek toll bridge company in the county of Meigs, and the same was

ordered to be read a third time on to-morrow in order to its final passage,

On motion of Mr. Powers,

The Senate resolved itself into the committee of the whole, Mr. Powers in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported back the following bills, to wit:

(S. No. 113.) A bill to authorize the revaluation and sale of school section 16, in Greene county, with one amendment; which was agreed to, and the bill was ordered to be engrossed for its third reading on to-morrow in order to its final passage.

(H. No. 115) A bill to amend the act to incorporate town of Fairfield in the county of Greene, passed Feb. 27, 1834, with one amendment.

Mr. Green moved that the further consideration of the bill be indefinitely postponed; upon which question Mr. Harlan demanded the yeas and nays; which were ordered, and were, yeas 21, nays 12; as follows, to wit:

Nays—Messrs. Bates, Birch, Brady, Cox, Fuller, Green, Hostetter, James, Matthews, McLaughlin, Morris, Powers, Smith, Stokely, Shannon, Spangler, Saylor, Thomas, Tracy, Wade, and Speaker—21.

Yeas—Messrs. Craighill, Harlan, Holmes, Ibrig, Oliver, Shideler, Stadden, Tod, Utter, Vanmeter, Walton and White—12.

So the question was decided in the affirmative.

Ordered that the house be informed thereof.

(H. No. 126.) An act to incorporate the town of Washington in the county of Guernsey, with sundry amendments; which were agreed to, and the bill was further amended, and ordered to be read a third time on to-morrow in order to its final passage.

On motion of Mr. Harlan,

The bill, (S. No. 114,) to amend the act to incorporate the town of Xenia in the county of Green, was taken up.

Mr. Thomas moved to amend the bill, by adding the following as sec. 2.

Sec. 2. That so much of any act for the incorporation of any city or town within this state, and of any act amendatory of any such act of incorporation, as authorizes the corporate authorities of such city or town to grant licenses to sell or retail spirituous liquors by less quantity than one quart, or to license taverns, groceries, ale-houses, or any house of public entertainment or resort whatever, be and the same is hereby repealed: *Provided*, that all licenses heretofore granted under the provisions of such acts shall remain valid for the term of one year from the time at which they were granted, or for any shorter period for which they may have been granted.

Upon this question the yeas and nays were demanded, and were, yeas 17, nays 17; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Brady, Cox, Fuller, Hostetter, James, Matthews, Oliver, Powers, Smith, Stokely, Thompson, Thomas, Wade and White—17.

Nays—Messrs. Craighill, Green, Harlan, Holmes, Ihrig, McLaughlin, Morris, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Uter, Vanmeter, Walton and Speaker—17.

So the question was lost.

Mr. Morris moved a reconsideration of the vote last taken, pending which question,

On motion of Mr. Craighill,

The Senate adjourned.

Attest,

C. J. McNULTY, *Clerk.*

TUESDAY, *February 26, 1839.*

The Senate met pursuant to adjournment.

Mr. Oliver presented a petition from citizens of Cincinnati, praying an amendment of the laws regulating labor in the Ohio Penitentiary; which was referred to the standing committee on the Penitentiary.

Mr. Bates presented petitions and remonstrances for and against the removal of the seat of justice of Lucas county; which were referred to the standing committee on new counties.

Mr. Ihrig, from the standing committee on roads and highways, to which was recommitted the bill (H. No. 244) to authorize a graded state road from the Ohio river, opposite the flats of Grave creek, to Pleasanton, reported the same back with one amendment; which was agreed to, and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Walton, from the standing committee on the judiciary, to which was referred the memorial of William L. Knight, of Trumbull county, made the following report, which was agreed to, to wit:

The standing committee on the judiciary, to which was referred the memorial of Wm. L. Knight, in relation to the amendment of the 28th section of the act defining the powers and duties of justices of the peace and constables in civil cases, and sundry other matters of a general, and some of a political nature, have had the same under consideration and now report:

That the inconveniences and hardships complained of by the memorialist in relation to the 28th section aforesaid, have not, nor can they, arise from a fair and proper legal construction of the same, but must arise, if at all, from a gross inattention or a wilful desire to pervert the said section for the worst of purposes. As to the other matters contained in the memorial, some of which are political, your committee, and particularly the chairman, to a considerable extent approve, whilst they have a slight aversion to the language in which the sentiments of the memorialists are couched; but as the subject to which he refers has already received the favorable consideration of



the legislature, it is deemed unnecessary to further investigate this branch of the subject.

Your committee therefore offer for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and the memorialist have leave to withdraw his memorial.

Mr. Walton, from the standing committee on the judiciary, to which was referred the memorial of G. G. Baker, and other citizens of Huron county, praying for certain relief, asked that the committee be discharged from the further consideration thereof, and that the same be referred to the standing committee on public lands; which was agreed to.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 225) to amend an act entitled an act for granting licenses in certain cases, passed March 14, 1831, reported the same back without amendment, and recommended that the same be indefinitely postponed.

On motion of Mr. Thomas,

The bill was laid upon the table.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 128) to amend the act allowing and regulating writs of attachment, reported the same back without amendment, and recommended that the same be indefinitely postponed.

On motion of Mr. Tod,

The bill was laid upon the table.

Mr. Matthews, from the standing committee on canals, made the following report, which was agreed to, to wit:

The standing committee on canals, to whom was referred the petition of sundry contractors on the Wabash and Erie canal, praying remuneration from the State on account of sickness of laborers and other hardships and inconveniences, which they say were unforeseen by them at the time they became contractors with the State, have had that subject under consideration and now report:

That the facts set forth in the petition do not, in the opinion of your committee, afford any ground for relief or aid from the State. The statement of the petitioners, "that during the whole of last winter and spring, their operations were retarded and embarrassed in consequence of their not receiving the payment of the estimates on their works in regular monthly, or six week payments in pursuance to custom on all public works, and in which expectation they were warranted at the time the contracts were taken, and which payments were delayed for nearly six months," might, if properly established, entitle the memorialists to some compensation. But of these facts there is no evidence before the committee except the statement of the parties interested, and in that, they do not give any specific amount, or data by which to

ascertain their loss on account of this alleged delinquency on the part of the State.

Your committee therefore desirous that justice may yet be done to the petitioners, if they shall, by sufficient evidence make out a case which would entitle them to remuneration, recommend the adoption of the following resolution:

*Resolved*, That the further consideration of the subject be postponed until the first Monday in December next.

Mr. Saylor, from the standing committee on railroads and turnpikes, made the following report, which was agreed to, to wit:

The majority of the standing committee on railroads and turnpikes, to which was referred a petition of the directors of the Milford and Chillicothe turnpike road company, requesting the legislature to pass an act to authorize the Cincinnati, Columbus and Wooster turnpike company to subscribe stock to the said Milford and Chillicothe turnpike company, have had the same under consideration and report:

That the committee are of the opinion that it would be improper for the legislature to pass an act to grant the above request, until the president and directors of the Cincinnati, Columbus and Wooster turnpike company petition the legislature to pass an act to authorize them to subscribe stock to the said Milford and Chillicothe turnpike company, and as no such petitions have been received, the committee would therefore recommend the adoption of the following resolution, to wit:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petition.

Mr. Wade, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 86) regulating the fees of constables in civil and criminal cases, reported the same back without amendment, and recommended that the same be indefinitely postponed; which was agreed to.

Mr. Smith, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 216) to amend the act to provide for the partition of real estate, reported the same back without amendment, and recommended that the same be indefinitely postponed; which was agreed to.

Mr. Smith, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 55) further to amend the act entitled an act concerning divorce and alimony, and the pending amendments thereto, reported the same back with the recommendation that the Senate insist upon its amendments disagreed to by the House, and that the Senate disagree to the amendment of the House to the amendment of the Senate, and ask a committee of conference; which was agreed to.

Ordered, that the House be informed thereof.

Mr. Shannon, from the standing committee on new counties, to which petitions praying the removal of the seat of justice of Lucas county were referred, made the following report, to wit:

(See Appendix, L, page 18.)

On motion of Mr. Thomas,  
The report was laid upon the table.

Mr. White, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled the following acts and resolution, to wit:

An act relating to fugitives from labor or service from other States;

An act to incorporate the Dayton western turnpike road company;

An act to amend the act entitled an act to provide for the election of prosecuting attorneys, passed January 29th, 1833, so as to provide for any neglect of duty on the part of said officer;

An act to incorporate the Lancaster and Columbus turnpike road company;

An act making appropriation for the payment of Benedict Lutes and J. B. Crist;

An act to incorporate the Norwalk silk manufacturing company;

An act to incorporate the Middlebury silk and beet sugar company, in the county of Portage;

An act to amend the act entitled an act to incorporate the borough of Ashtabula, passed February 28, 1831;

An act amendatory of an act entitled an act defining the mode of laying out and establishing township roads, passed March 11, 1831; also of an act entitled an act for the opening and regulating roads and highways, passed March 14, 1831;

An act to revive and amend an act entitled an act to incorporate the Norwalk and Huron rail road company, passed March 7th, 1835;

An act to incorporate the Western Reserve teacher's seminary;

An act to amend the act to regulate the time of holding the judicial courts;

An act providing for the appointment of a board of bank commissioners, and for the regulation of banks within the State of Ohio;

Resolution for the printing of the fifth section of the act establishing the Miami university.

Mr. Cox, from the committee on enrollment, reported that said committee had examined and found duly enrolled the following bills, to wit:

An act to incorporate the evangelical protestant congregation of Monroe county;

An act to lay out and establish a graded state road in the counties of Lawrence, Scioto and Jackson;

An act to divorce William Mankins from his wife Mahala Mankins.

Mr. White, from the standing committee on roads and highways, to which was recommitted the bill (H. No. 250) to incorporate the Clermont and Woodville graded road company, reported the same back



with sundry amendments, which were agreed to; and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Stokely, from the standing committee on colleges and universities, to which had been recommitted the following bills, to wit:

(H. No. 239.) An act to incorporate the Parkman Academy, in the county of Geauga;

(H. No. 242.) An act to incorporate the Perrysburg lyceum and library association;

(H. No. 249.) An act to incorporate the universalist institute of Ohio city; reported the same back without amendment.

On motion of Mr. Thomas,

The bills were severally committed to a committee of the whole Senate, and made the order of the day for this day.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 177.) A bill providing for the enlargement of the lock at the mouth of Symms' creek on the Muskingum river;

(S. No. 178.) A bill authorizing the taxing of dogs;

(S. No. 179.) A bill to amend the act entitled an act to incorporate the town of Albion, in the county of Cuyahoga, passed March 8, 1836;

(S. No. 180.) A bill to authorize the Bank of Norwalk to establish a branch in the town of Huron;

(H. No. 263.) An act to incorporate the Milan and Elyria turnpike company;

(H. No. 271.) A bill to divorce Eliza Stone from her husband Claybourn Stone;

(H. No. 272.) A bill to incorporate the Claridon draining company, in the county of Geauga;

(H. No. 315.) A bill to incorporate the town of Patriot, in the county of Gallia;

(H. No. 274.) A bill to authorize a state road in the counties of Sandusky and Seneca;

(H. No. 276.) A bill to divide the township of Dayton in two election-districts;

(H. No. 277.) A bill to incorporate the methodist book concern at Cincinnati.

The following bill was read the second time, and

On motion of Mr. McLaughlin,

Recommitted to Mr. McLaughlin, to wit:

(H. No. 273.) A bill to change the name of the town of Vermillion, in Richland county, to that of Savanna.

The following bills of the Senate were read the third time and passed, to wit:

An act to authorize the commissioners of Portage county to borrow money;

An act to authorize a revaluation and sale of a part of school section sixteen, in Green county.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

The following bill of the House was read the third time and passed, to wit:

An act making special provisions for the sale of section sixteen, in township nine and range three, in Jefferson county;

An act to incorporate the town of Washington, in the county of Guernsey;

An act to incorporate the Massillon cemetery association;

An act to amend the act to incorporate the town of Newark and the several acts amendatory thereof;

An act for the relief of Abner Enoch;

An act to incorporate the first universalian religious library society of Harmar;

An act to incorporate the Leading creek toll bridge company, in the county of Meigs.

Ordered, that the titles be as aforesaid, and that the concurrence of the House in the amendments thereto be requested.

The following bill of the House was read the third time, to wit:

An act to amend the act entitled an act to provide for the incorporation of townships.

Mr. Saylor moved to lay the bill upon the table, upon which question the yeas and nays were demanded, and were, yeas 24, nays 10; as follows, to wit:

Yeas—Messrs. Allen, Bates, Cox, Craighill, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Rodgers, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, White and Speaker—24.

Nays—Messrs. Birch, Fuller, Green, Morris, Oliver, Powers, Smith, Thomas, Vanmeter and Wade—10.

So the question was carried.

A message from the House of Representatives.

Mr. Speaker:

The House has agreed to the amendments of the Senate to the bill of the House in relation to the medical and surgical supervision of the commercial hospital and lunatic asylum of Ohio, with sundry amendments to the same, in which they request the concurrence of the Senate.

Attest,

W. H. BLODGET, *Clerk*.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to amend the act to provide for clearing certain ponds in the county of Butler, passed March 2d, 1838,

A bill to incorporate the Conneaut lyceum;

A bill to amend the act entitled an act incorporating the Cleveland and Warren rail road company;

A bill to incorporate the first orthodox presbyterian church in Fredericktown, in the county of Knox;

A bill to incorporate the first regular baptist church of Aurora, in the county of Portage;

A bill to incorporate the first disciple church of Euclid, in the county of Cuyahoga;

A bill to regulate the fees of sheriffs in cases of naturalization;

A bill to incorporate St. John's church at Wakeman, in the county of Huron;

A bill to divorce Jacob Ebbersole from his wife Catharine W. Ebbersole;

A bill to amend an act entitled an act to incorporate the Firemen's insurance company of Cleveland;

A bill to exempt section No. twenty-nine in the original surveyed township of Springfield, in the county of Hamilton, from revaluation;

A bill to amend the act entitled an act to alter the name of Paris, in the counties of Richland and Huron, to that of Plymouth, and to incorporate said town;

A bill to incorporate the Frieder's German reformed and evangelical Lutheran church, in the county of Clark.

The House has passed the following bills of the Senate, to wit:

A bill to divorce Ezekiel L. Goodrich from his wife Hannah Goodrich;

A bill to authorize the commissioners of Huron county to borrow money.

The Speaker of the House has signed the following enrolled bills to which the signature of the Speaker of the Senate is also requested, to wit:

An act relating to fugitives from labor or service from other States;

An act to incorporate the Dayton western turnpike road company;

An act to amend the act entitled an act to incorporate the village of Ashtabula, passed February 28, 1831;

An act to incorporate the Lancaster and Columbus turnpike road company;

An act to incorporate the Western Reserve teacher's seminary;

An act to incorporate the Middlebury silk and beet sugar company, in the county of Portage;

An act to incorporate the Norwalk silk manufacturing company;

An act to amend the act entitled an act to provide for the election of prosecuting attorneys, passed February 29, 1833, so as to provide for any neglect of duty on the part of said officer;

A resolution of the House providing for the printing of the fifth section of the act establishing the Miami University;

An act amendatory of an act entitled an act defining the mode of laying out and establishing township roads, passed March 11, 1831; also of an act entitled an act for opening and regulating roads and highways, passed March 14, 1831;



An act making appropriation for the payment of Benedict Lutes and J. B. Crist;

An act to revive and amend an act entitled an act to incorporate the Norwalk and Huron rail road company, passed March 7th, 1835;

An act to lay out and establish a graded state road in the counties of Lawrence, Scioto and Jackson;

An act to incorporate the evangelical protestant congregation of Monroe county;

An act to divorce William Mankins from his wife Mahala Mankins.

The following bills have been reported to the House and read the first time, to wit:

A bill to incorporate the Lake Erie insurance company;

A bill to repeal a part of the act creating the commercial hospital and lunatic asylum;

A bill to authorize the commissioners of Clermont county to subscribe to the capital stock of turnpike roads and bridges.

Attest

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

The bills from the House were read the first time.

On motion of Mr. Spangler,

The Senate took up the resolution (H. No. 30) for the relief of T. Worthington; and the same was amended and recommitted to the standing committee on finance.

On motion of Mr. Harlan,

The bill (S. No. 114) to amend the act entitled an act to incorporate the town of Xenia, in the county of Green, was taken up and ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

On motion of Mr. Smith,

The senate resolved itself into a committee of the whole, Mr. Smith in the chair, on the orders of the day; and after some time spent therein; the committee rose and reported back the following bills without amendment, to wit:

(H. No. 154.) An act to incorporate the methodist episcopal church of Medina;

(H. No. 153.) An act to incorporate the first church of disciples in Bedford, Cuyahoga county;

(H. No. 147.) An act to amend the act entitled an act to incorporate the town of Sidney, passed March 1, 1834.

Which bills were severally ordered to be read a third time on to-morrow, in order to their final passage; also,

(S. No. 116.) A bill to incorporate the Harveysburg high school company, in the county of Warren;

(S. No. 117.) A bill to amend an act entitled an act to open and secure the navigation of the Scioto river, and for other purposes, passed February 8, A. D. 1819;

(S. No. 118.) A bill to incorporate the Woodfield lyceum;

(S. No. 119.) A bill to incorporate the Monroe academical association, with sundry amendments; which were agreed to, and the bills were severally ordered to be engrossed for their third reading on to-morrow, in order to their final passage; also

H. No. 152. An act to amend the act for the appointment of guardians, without amendment.

On motion of Mr. Wade,

The bill was recommitted to the standing committee on the judiciary; also,

H. No. 111. An act to incorporate the town of Logan, in the county of Hocking, with sundry amendments; which were agreed to, and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Cox, from the committee on enrollment, reported that said committee had examined and found duly enrolled the following acts, to wit:

An act in relation to the medical and surgical supervision of the commercial hospital and lunatic asylum of Ohio;

An act to amend an act entitled an act to authorize the corporations therein named to grant licenses, &c., passed February 18, 1830.

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the house has signed the following enrolled bill, to which the signature of the Speaker of the senate is also requested, to wit:

An act to amend an act entitled an act to authorize the corporations therein named to grant licenses, &c., passed February 18, 1830.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the Senate signed the enrolled bill from the House.

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the house has signed the following enrolled bill, to which the signature of the Speaker of the senate is also requested, to wit:

An act in relation to the medical and surgical supervision of the commercial hospital and lunatic asylum of Ohio.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the senate signed the enrolled bill from the house.

A message from the House of Representatives.

Mr. Speaker:

The house has passed a resolution providing for a survey of a canal route from Columbus to Lake Erie, to which the concurrence of the senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Allen,

The resolution from the house was referred to the standing committee on canals.

Mr. Fuller offered the following resolution, which was amended and agreed to, as follows, to wit:

*Resolved by the Senate and House of Representatives,* That both branches of the General Assembly will meet in the hall of the House of Representatives on Saturday, the second day of March next, at four o'clock P. M., for the purpose of electing one major general of the ninth division of Ohio militia, to fill the vacancy occasioned by the resignation of Major General Asabel Brainard—and one director of the Ohio penitentiary.

Ordered to the house for concurrence.

On motion of Mr. Thompson,

The bill (H. No. 42) to incorporate the Wellsville and Cleveland McAdamsized road company, was taken up and ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Tod moved that the senate take up the bill (H. No. 59) to allow juries before justices of the peace; upon which question,

Mr. Green demanded the yeas and nays, which were ordered, and were, yeas 15, nays 15, as follows, to wit:

Yeas—Messrs. Allen, Craighill, Holmes, Ihrig, Matthews, Powers, Stokely, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Wade, and Walton—15.

Nays—Messrs. Bates, Birch, Cox, Fuller, Green, Harlan, Morris, Oliver, Smith, Shannon, Spangler, Thomas, Vanmetre, White and Speaker—15.

So the question was lost.

On motion of Mr. Green,

The senate again resolved itself into a committee of the whole, Mr. Green in the chair, on the orders of the day; and after some time spent therein, the committee rose and reported back the following bills, without amendment, to wit:

(H. No. 90.) An act to incorporate the Marion mechanics' beneficial society;

(H. No. 137.) An act to incorporate the Asbury seminary, at Chagrin Falls;

(H. No. 165.) An act to incorporate the northern German Lutheran church of Cincinnati.

Which bills were severally ordered to be read a third time on to-morrow, in order to their final passage; also,

(H. No. 164.) A bill in relation to permanent leasehold estates, without amendment.

On motion of Mr. Smith,

The bill was recommitted to the standing committee on the judiciary; also,

(S. No. 120.) A bill to authorize the trustees of the methodist episcopal church of the town of Newark to sell certain real estate, with sundry amendments.



On motion of Mr. Matthews,

The bill and amendments were laid on the table.

The committee also reported progress in the following bill, and asked leave to sit again, which was granted, to wit:

(H. No. 109.) An act to amend the act entitled an act to abolish imprisonment for debt.

On motion of Mr. Wade,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

WEDNESDAY, *February 27, 1839.*

The senate met pursuant to adjournment.

Mr. Bates presented a remonstrance against the removal of the seat of justice of Lucas county; which was laid upon the table.

Mr. Holmes presented a memorial from J. B. Jewett, of the county of Hamilton, praying the repeal of the law taxing physicians; which was referred to the standing committee on finance.

Mr. Saylor presented a petition from citizens of Preble county, praying the incorporation of a company to construct a turnpike road from Eaton, to intersect the national road at Lewisburg; which was laid upon the table.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 179) to amend the act to regulate the taxation and collection of costs, reported the same back without amendment, and recommended that the same be indefinitely postponed; which was agreed to.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 164) in relation to permanent leasehold estates, reported the same back with sundry amendments; which were agreed to.

On motion of Mr. Harlan,

The bill was laid upon the table.

Mr. Wade, from the standing committee on the judiciary, to which was referred the petition of citizens of Monroe and Belmont counties, made the following report; which was agreed to:

The standing committee on the judiciary, to which was referred the petition of sundry citizens of Belmont county, have had the same under consideration, and now report:

That the petition sets forth that Jacob Wink, some 16 or 17 years ago, being indebted to one Josiah Dillon, in the sum of 25 dollars, left the county and went to the south, leaving the debt unpaid; that Dillon commenced proceedings against him in his absence to enforce his claim; and finally, that such proceedings were had, that a valuable farm which he owned, and other property, were sacrificed to pay said

debt; that he has been greatly injured by these proceedings in his absence, and is now poor, &c.

It is evident at the first glance, that however urgently or oppressively the creditors of the petitioner may have dealt with him in his absence, he has certainly mistaken the tribunal to which he should apply for redress—the legislature having no power to inquire into the validity of the proceedings against him, or to interfere in the matter. Your committee would therefore recommend the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their papers.

Mr. Spangler, from the standing committee on finance, to which was recommitted the bill (H. No. 161) to incorporate the Portsmouth dry dock and steamboat basin company, reported the same back with sundry amendments.

On motion of Mr. McLaughlin,

The bill and amendments were committed to a committee of the whole senate, and made the order of the day for this day.

Mr. Spangler, from the standing committee on finance, to which was recommitted the resolution (H. No. 30) for the relief of T. Worthington, reported the same back with one amendment; which was agreed to, and on the question of agreeing to the resolution as amended,

Mr. Tod demanded the yeas and nays, which were ordered, and were, yeas 15, nays 18; as follows, to wit:

Yeas—Messrs. Craighill, Green, Harlan, Ihrig, McLaughlin, Oliver, Stokely, Spangler, Saylor, Shideler, Stadden, Vanmetre, Wade, White and Speaker—15.

Nays—Messrs. Allen, Bates, Birch, Cox, Fuller, Holmes, Hostetter, James, Matthews, Morris, Powers, Smith, Shannon, Thompson, Tod, Thomas, Utter and Walton—18.

So the resolution was rejected.

Ordered that the house be informed thereof.

On motion of Mr. Walton,

The bill in relation to permanent leasehold estates, was taken up, amended, and ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Oliver, from the standing committee on agriculture, commerce and manufactures, to which was recommitted the bill (S. No. 96) to incorporate the Miami silk growing and manufacturing company of Troy, reported the same back with sundry amendments; which were agreed to, and the bill was ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 152) to amend the act for the appointment of guardians, reported the same back without amendment, and recommended that it be indefinitely postponed.

On motion of Mr. Smith,

The bill was laid upon the table.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 139) amendatory of an act entitled, an act regulating judgments and executions, passed March 14, 1831, reported the same back with one amendment.

On motion of Mr. Walton,

The bill and amendments were laid upon the table.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 89) to diminish the costs of criminal prosecutions, reported the same back without amendment, and recommended that the same be indefinitely postponed; upon agreeing to the recommendation of the committee,

Mr. Powers demanded the yeas and nays, which were ordered, and were, yeas 24, nays 9—as follows, to wit:

Yeas—Messrs. Birch, Cox, Green, Harlan, Holmes, James, McLaughlin, Morris, Oliver, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Thomas, Utter, Vanmetre, Wade, Walton, White and Speaker—24.

Nays—Messrs. Allen, Bates, Craighill, Fuller, Hostetter, Ihrig, Matthews, Powers, and Stadden—9.

So the question was carried, and the bill was indefinitely postponed.

Ordered that the house be informed thereof.

Mr. Green, from the standing committee on the judiciary, reported a bill declaratory of the law relating to wills; which was read the first time.

Mr. Saylor, from the standing committee on railroads and turnpikes, reported a bill to amend an act entitled, an act to incorporate the Cincinnati, Columbus and Wooster turnpike company, passed Feb. 12, 1828; which was read the first time.

Mr. Matthews, from the standing committee on canals, to which was recommitted the resolution from the house providing for the survey and estimate of a canal route from Columbus to Lake Erie, reported the same back without amendment.

On motion of Mr. Allen,

The resolution was laid upon the table.

Mr. Fuller, from the standing committee on schools and school lands, reported a bill for the sale of the S. E. qr. of sec. 16, in township No. 4, range No. 5, Monroe county; which was read the first time.

Mr. Tod, from the standing committee on the judiciary, reported a bill for the relief of James M. Crawford; which was read the first time.

Mr. Stadden, from the standing committee on the penitentiary, made the following report; which was agreed to:

The standing committee on the penitentiary, to which was referred a resolution of the senate, to inquire into the expediency of providing that the transportation of convicts from county prisons to the peni-



tentiary, be conducted under the care and direction of the warden, have had the same under consideration, and now submit their report:

It is presumed by your committee, that the object of the resolution was to decrease the expenses of transportation; they however are not satisfied that that object would be accomplished. As the law now stands, it is made the duty of sheriffs to cause all persons sentenced to hard labor, to be delivered at the penitentiary within thirty days after their conviction, for which they receive a compensation of ten cents per mile, going and returning from the penitentiary; and one dollar and fifty cents for every twenty-five miles for transporting and sustaining each prisoner; and one guard for each prisoner.

Your committee are unanimously of the opinion, that the compensation allowed to sheriffs for the transportation of convicts is not exorbitant, but at the same time reasonable, and gives general satisfaction.

Your committee are aware that a great and responsible duty involves on the sheriffs of the different counties, as conservators of the peace, and criminal cases generally; and much of their time and money are spent in that part of their duty, the most of which they receive no compensation for.

And if they do in this item of their fees receive a liberal compensation, your committee believe it is justly due to them, and should not be taken from them and placed in the hands of other persons, who are paid for all the services rendered by them. And therefore your committee offer for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject.

Mr. Cox, from the standing committee on enrollment, reported that said committee had deposited in the office of the secretary of state, and taken his receipt for the following enrolled acts and resolutions, to wit:

An act to amend the act making provision for carrying into effect the act for the punishment of crimes, passed Feb. 26, 1835;

An act to authorize the fund commissioners of Clinton county to loan money to the town council of the town of Wilmington;

An act defining the duties of the canal commissioners, the canal fund commissioners, and the auditor of state;

An act to incorporate the town of M'Connellsville;

An act to incorporate the St. John's church of Lancaster, in Fairfield county;

An act to incorporate the first regular baptist church of Dayton;

An act to incorporate the first presbyterian church of St. Mary's, in the county of Mercer;

An act to authorize the corporate authorities of the city of Chillicothe to borrow money for school purposes;

An act to lay out and establish a state road in the counties of Mercer and Vanwert;

An act to amend the act to regulate the times of holding the judicial courts;

An act to divorce Louisa Kirsch from her husband, Christian Kirsch;

An act to provide for the appointment of a board of bank commissioners, and for the regulation of banks within the state of Ohio;

Joint resolution to fill the board of trustees of the college of Ripley, in the county of Brown;

An act in relation to the medical and surgical supervision of the commercial hospital and lunatic asylum of Ohio;

An act to incorporate the evangelical protestant congregation of Monroe county;

An act to divorce William Mankins from his wife, Mahala Mankins;

An act making appropriations for the payment of Benedict Lutes and J. B. Crist;

An act to lay out and establish a graded state road in the counties of Lawrence, Scioto and Jackson;

An act to amend the act entitled, an act to provide for the election of prosecuting attorneys, passed January 29, 1833, so as to provide for any neglect of duty on the part of said officer;

An act to incorporate the Norwalk silk manufacturing company;

An act to incorporate the Middlebury silk and beet sugar company, in the county of Portage;

An act to incorporate the Western Reserve teachers' seminary;

An act to incorporate the Lancaster and Columbus turnpike road company;

An act to amend the act entitled, an act to incorporate the borough of Ashtabula, passed Feb. 28, 1831;

An act to incorporate the Dayton western turnpike road company;

An act relating to fugitives from labor or service from other states.

An act to revive and amend an act entitled, an act to incorporate the Norwalk and Huron railroad company, passed March 7, 1835;

An act amendatory to an act entitled, an act defining the mode of laying out and establishing township roads, passed March 11, 1831; also of an act entitled, an act for opening and regulating roads and highways, passed March 14, 1831;

An act to amend an act entitled, an act to authorize the corporations therein named to grant licences, &c., passed Feb. 18, 1830;

Resolution for the printing of the fifth section of the act establishing the Miami university.

Mr. Cox also reported that the same committee had examined and found duly enrolled, the following bills and resolution:

An act to revive and amend an act entitled, an act to incorporate the Circleville and Washington turnpike company;

An act to incorporate the Belmont manufacturing company;

An act to incorporate the Oxford female academy.

An act to authorize the commissioners of Huron county to borrow money;

An act to divorce Ezekiel L. Goodrich from his wife, Hannah Goodrich;

A resolution directing the speakers of both houses to audit the accounts of the joint committee, for expenses in visiting the Farmers' Bank of Canton.

Mr. McLaughlin, from the select committee to which was recommitted the bill (H. No. 273) to change the name of the town of Vermillion, in Richland county, to that of Savanna, reported the same back without amendment; and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Holmes, from the select committee to which was recommitted the bill (S. No. 34) to amend the act to incorporate the emigrant's friend society of Cincinnati, reported the same back with sundry amendments.

On motion of Mr. Harlan,

The bill and amendments were laid upon the table.

Mr. Holmes, from the select committee to which was recommitted the bill (S. No. 50) regulating sales at auction in the county of Hamilton, reported the same back with sundry amendments; which were agreed to, and the bill was ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

H. No. 278. An act to exempt section No. 29, on the original surveyed township of Springfield, in the county of Hamilton, from revaluation;

H. No. 283. An act to incorporate the first orthodox presbyterian church in Fredericktown, in the county of Knox;

M. No. 285. An act to incorporate the first diciples church of Euclid, in the county of Cuyahoga;

H. No. 291. An act to incorporate the Conneaut lyceum;

H. No. 289. An act to incorporate the St. John's church at Wake-man, in the county of Huron;

H. No. 290. An act to regulate the fees of clerks, in cases of naturalization;

H. No. 280. An act to amend an act to incorporate the fireman's insurance company of Cleveland;

H. No. 295. An act to incorporate the Freiden's German reform evangelical Lutheran church, in the county of Clark;

The following bill was read the second time, and,

On motion of Mr. Powers,

Ordered to be read a third time on to-morrow, in order to its final passage, to wit:

H. No. 284. An act to incorporate the first regular baptist church of Aurora, in the county of Portage.

The following bill was read the second time, and,

On motion of Mr. McLaughlin,

Recommitted to Mr. McLaughlin, to wit:



H. No. 294. An act to amend an act to alter the name of Paris, in the counties of Richland and Huron, to that of Plymouth, and to incorporate said town.

The following bill was read the second time, and,

On motion of Mr. Holmes,

Recommitted to the standing committee on the judiciary, to wit:

H. No. 84. An act to divorce Jacob Ebbersole from his wife, Catharine W. Ebbersole.

The following bill was read the second time, and,

On motion of Mr. Tod,

Recommitted to Mr. Tod,

H. No. 281. An act to amend an act incorporating the Cleveland and Warren railroad company.

The following bill was read the second time, and,

On motion of Mr. Saylor,

Recommitted to the standing committee on canals, to wit:

H. No. 255. An act to amend an act to provide for the draining of certain ponds in the county of Butler.

The following bills of the senate were read the third time and passed, to wit:

An act to amend an act entitled, an act to open and secure the navigation of the Scioto river, and for other purposes, passed February 8, 1819;

An act to incorporate the Harveysburg high school, in the county of Warren;

An act to incorporate the Woodsfield lyceum;

An act to incorporate the Monroe academical association.

An act to amend the act entitled, an act to incorporate the town of Xeria, in the county of Green, having been read the third time,

Mr. Thomas moved to amend it by way of ryder, by adding the following as sec. 2, to wit:

Sec. 2. That so much of any act for the incorporation of any city or town within this state, and of any act amendatory of any such acts of incorporation, as authorizes the corporate authorities of any such town or city, to grant licences for the sale or retailing of spirituous liquors by less quantity than one quart; or to license taverns, groceries, ale-houses, or any house of public entertainment or resort whatever, be, and the same are hereby repealed: *Provided*, that every license heretofore granted by any such corporate authority, shall remain valid for the term of one year from the day on which the same was granted; and if limited to a shorter period, then until the expiration of such period.

Upon this question the yeas and nays were demanded, and were, yeas 15, nays 15, as follows:

Yeas—Messrs. Allen, Bates, Birch, Cox, Fuller, Hostetter, James, Matthews, McLaughlin, Oliver, Powers, Smith, Thompson, Thomas and White—15.

**Nays**—Messrs. Craighill, Green, Harlan, Holmes, Ihrig, Morris, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Vanmetre, and Speaker—15.

So the question was decided in the negative.

The bill was then passed.

Ordered that the title be as aforesaid and that the concurrence of the House be requested.

The following bills of the house were read the third time and passed, to wit:

An act to incorporate the northern German Lutheran church of Cincinnati;

An act to incorporate the first church of disciples in Bedford, Cuyahoga county;

An act to incorporate the Clermont and Woodville graded road company;

An act to authorize a graded state road from the Ohio river, opposite the flats of Grave creek, to Pleasanton;

An act to incorporate the Asbury seminary at Chagrin Falls;

An act to incorporate the methodist episcopal church of Medina;

An act to amend the act entitled, an act to incorporate the town of Sidney, passed March 1, 1834;

An act to incorporate the Wellsville and Cleveland McAdamized road company.

An act to incorporate the Marion mechanics' beneficial society, having been read the third time,

Mr. Tod demanded the yeas and nays on the final passage thereof, which were ordered, and were, yeas 23, nays 6, as follows:

**Yeas**—Messrs. Allen, Birch, Cox, Craighill, Fuller, Green, Harlan, Holmes, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Powers, Smith, Stokely, Shannon, Spangler, Shideler, Thomas, Wade and Speaker—23.

**Nays**—Messrs. Bates, Hostetter, Thompson, Tod, Utter, and Walton—6.

So the question was decided in the affirmative.

Ordered, that the titles be as aforesaid, and that the concurrence of the house in the amendments thereto be requested.

**A message from the House of Representatives.**

**Mr. Speaker:**

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill supplementary to an act making certain instruments of writing negotiable, passed Feb 25, 1820;

A bill to lay out and establish a graded state road in the county of Guernsey;

A bill to incorporate the union German reformed church in the county of Clark;

A bill to amend the act entitled, an act to incorporate the town of

Dayton, in the county of Montgomery, and the several acts amendatory thereto;

A bill to authorize the school directors of the borough of Ashtabula, to remit the tax for building school houses in certain cases;

A bill to incorporate the Wapaukonetta and St. Mary's railroad company;

The house has acceded to the request of the senate, for a committee of conference on bill of the house No. 35, a bill further to amend the act entitled, an act concerning divorce and alimony, passed 7th Jan. 1821; and have appointed Messrs. Goddard, Flood and Lowe a committee on the part of the house.

The house has agreed to the amendments of the senate to the bill of the house for the relief of Abner Enoch, with some amendments, to which the concurrence of the senate is requested.

The House has agreed to the amendments of the Senate to the following bill of the House, to wit:

A bill to incorporate the town of Washington, in the county of Guernsey;

A bill to amend the act to incorporate the town of Newark, and the several acts amendatory thereto;

A bill to incorporate the first universalian religious library society of Harmar;

A bill to incorporate the Leading creek toll bridge company, in the county of Meigs;

Attest,

W. H. BLODGET, *Clerk.*

The bills from the House were read the first time.

The Speaker appointed Messrs. Smith and Tod the committee of conference on the part of the senate.

Ordered that the house be informed thereof.

On motion of Mr. Tod,

The bill and amendments from the House were recommitted to the standing committee on the judiciary.

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the house has signed the following enrolled bills, to which the signature of the Speaker of the senate is also requested, to wit:

An act to incorporate the Oxford female seminary;

An act to divorce Ezekiel L. Goodrich from his wife, Hannah Goodrich;

An act to authorize the commissioners of Huron county to borrow money;

An act to incorporate the Belmont manufacturing company;

A joint resolution providing for the payment of the expenses of the joint select committee appointed to investigate the affairs of the Farmers' Bank of Canton.

Attest,

W. H. BLODGET, *Clerk.*



Thereupon,

The Speaker of the senate signed the enrolled bill from the house.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the house and read the first time, to wit:

A bill to amend the act entitled, an act defining the mode of laying out and establishing state roads, and changing their directions in certain cases;

A bill to incorporate the Hannan Ferry, Mercerville, Patriot and Centerville turnpike company, in the county of Gallia;

A bill relating to the stockholders of the Manhattan Bank, at Manhattan, Ohio;

A bill to authorize the school directors of school district No. 2, in Lick township, Jackson county, to borrow money;

A bill to incorporate the first methodist episcopal church in the city of Cleveland.

Attest,

W. H. BLODGET, *Clerk.*

Mr. Holmes moved a reconsideration of the vote on the resolution (H. No. 30) for the relief of T. Worthington; which was agreed to.

On motion of Mr. Holmes,

The resolution was laid upon the table.

Mr. Bates, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the Ohio navigation company; which was read the first time.

Mr. Smith offered the following resolution:

*Resolved by the General Assembly of the State of Ohio,* That the resolution instructing the secretary of state to cause to be printed and distributed, with the acts of a general nature passed at the present session, the fifth section of an act to amend an act to establish the Miami university, passed February 17, 1809, and for other purposes, passed March 22, 1837; and which resolution was adopted on the day of Feb. 1839, be and the same is hereby rescinded.

On motion of Mr. Smith,

The resolution was laid upon the table.

On motion of Mr. Thomas,

The bill (H. No. 124) for the relief of Caleb Imlay, was taken up, and the pending amendments were agreed to.

Mr. McLaughlin moved that the further consideration of the bill be postponed until the first Monday of December next.

Pending the consideration of which question,

On motion of Mr. Utter,

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

THURSDAY, *February 28, 1839.*

The Senate met pursuant to adjournment.

Mr. Bates presented a memorial from citizens of Lucas county, praying the removal of the seat of justice; which was laid upon the table.

Mr. Bates presented a petition from citizens of Lucas county, praying the location and construction of a McAdamized road from Maumee city to the State line, on the northeast; which was referred to the standing committee on railroads and turnpikes.

Mr. Morris presented the petition of citizens of Highland county, praying that Leesburg, in said county be made a point in extending the Ripley and Hillsborough turnpike road to Washington, Fayette county; which was committed to a committee of whole Senate.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill, (H. No. 84,) to divorce Jacob Ebersole from from his wife Catharine W. Ebersole, reported the same back without amendment and recommended that the bill be indefinitely postponed. Upon agreeing to the recommendation of the committee, Mr. Holmes demanded the yeas and nays; which were ordered, and were, yeas 20, nays 10; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Cox, Fuller, Green, Hailan, Hostetter, James, Morris, Smith, Spangler, Saylor, Shideler, Tod, Thomas, Utter, Wade, Walton, and Speaker—20.

Nays—Messrs. Craighill, Holmes, Ihrig, Matthews, McLaughlin, Stokely, Shannon, Stadden, Thompson and White—10.

So the question was carried.

Ordered that the house be informed thereof.

Mr. Bates, from the standing committee on public lands, made the following report; which was agreed to, to wit:

The standing committee on public lands, to whom were referred the petitions praying relief to Wm. Wolf, Joseph Wolf, and Philip Raplogle, have had the same under consideration, and now report:

That, from an examination of the papers referred, it appears that Wm. Wolf, in the year 1835, settled on the northwest quarter of section number 23, township No. 14, range number 1, east—that he has made some improvement thereon—that in the year 1836, he entered the southwest quarter of section number 22, township number 14, range 1, east; believing it to have been the quarter first above described; and the one on which he had settled and improved. It also appears, that the aforesaid township is only five sections in width from east to west, and contains only 30 sections. This is alleged as the *cause* of the mistake in making the entry aforesaid. Your committee, from a careful examination of the map of said township, are satisfied that the aforesaid cause could not lead to the mistake complained of. The facts relating to the alleged mistake of entry in the case of Joseph Wolf and Philip Raplogle, are substantially the same as in the case of Wm. Wolf. If any mistake did actually occur in the entry of said lands, by these individuals, your commit-

tee are not advised of any cause which could have lead to such a result.

The sole ground upon which the said Wolfs and Raplogle pray relief, is a mistake in entering of their lands. Your committee therefore deem it inexpedient to grant the prayer of the petitioners, and would recommend the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their papers.

Mr. Green, from the standing committee on the judiciary, to which was recommitted the bill, (H. No. 125,) to vacate certain alleys in the town of Massillon, and to establish a street in said town, reported the same back with one amendment; which was agreed to, and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Tod, from the select committee, to which was recommitted the bill, (H. No. 281.) to amend the act to incorporate the Cleveland and Warren railroad company, reported the same back without amendment.

On motion of Mr. Thomas,

The bill was committed to a committee of the whole Senate, and made the order of the day for this day.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

(S. No. 181.) A bill declaratory of the law relating to wills;

(S. No. 182.) A bill to amend an act entitled, an act to incorporate the Cincinnati, Columbus and Wooster turnpike company, passed 12th Feb., 1828;

(S. No. 183.) A bill to authorize the sale of the southeast quarter of section 16, in township number 4, range 5, Monroe county;

(S. No. 184.) A bill for the relief of James W. Crawford;

S. No. 185.) A bill to incorporate the Ohio navigation company;

(H. No. 304.) An act to incorporate the Union reform church in the county of Clark;

(H. No. 305.) An act to lay out and establish a graded state road in the county of Guernsey;

(H. No. 300.) An act to authorize the school directors of the borough of Ashtabula to remit the tax for building school houses in certain cases;

(H. No. 279.) An act to incorporate the Wapaukonetta and St. Mary's railroad company;

H. No. 299. An act to amend an act to incorporate the town of Dayton in the county of Montgomery, and the several acts amendatory thereto.

The following bill was read the second time, and,

On motion of Mr. Walton,

Recommitted to the standing committee on the judiciary, to wit:



(H. No. 301.) An act supplementary to an act making certain instruments of writing negotiable, passed Feb. 25, 1820.

The following bills of the Senate were read the third time and passed, to wit:

An act regulating sales at auction in the county of Hamilton;

An act to incorporate the Miami silk growing and manufacturing company of Troy.

Ordered that the titles be as aforesaid, and that the concurrence of the house be requested.

The following bills of the house were read the third time and passed, to wit:

An act in relation to permanent leasehold estates;

An act to change the name of the town of Vermillion in Richland county, to that of Savanna;

An act to incorporate the first regular baptist church of Aurora, in the county of Portage;

Ordered that the titles be as aforesaid, and that the concurrence of the House in the amendments thereto be requested.

On motion of Mr. Saylor,

The bill (H. No. 115,) to amend the act entitled, an act to provide for the incorporation of townships, was taken up;

The question being,

Shall the bill pass?

The yeas and nays were demanded, and were, yeas 18, nays 13; as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Uter, Walton, White and Speaker—18.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, Morris, Oliver, Powers, Smith, Stokely, Thomas, Vanmeter and Wade—13.

So the question was carried.

Ordered, that the title be as aforesaid, and that the house be informed thereof.

Mr. Spangler offered the following resolution, to wit:

*Resolved*, That hereafter when the morning readings and messages are disposed of, the senate will immediately proceed to the consideration of the orders of the day, without further question, unless otherwise directed.

The question being on agreeing to the resolution, it was taken and lost.

Mr. Stokely gave notice that he would introduce a bill on to-morrow or some subsequent day, to authorize the sale of sec. 16, township 5, range 2, in Jefferson county.

A message from the House of Representatives.

Mr. Speaker.

The House has passed the following bills to which the concurrence of the Senate is requested:

A bill ceding to the United States the jurisdiction of certain land on Cedar point, entrance of Sandusky Bay, in the county of Erie, for a certain purpose;

A bill ceding to the United States the jurisdiction of certain lands in the township of Huron, county of Huron, for a certain purpose;

A bill further to amend the act entitled, an act to prohibit the issuing and circulating of unauthorized bank paper, passed January 27, 1816;

A bill to create a lien in certain cases in the township of Zanesville;

A bill to incorporate the wardens and vestry of St. Barnabas church at New Hagerstown in Carroll county;

A bill to incorporate the Dayton silk company;

A bill to incorporate the first congregational church and society of Parkman in the county of Cuyahoga;

A bill amendatory of an act entitled, an act for the punishment of certain offences, passed March 3, 1831;

A bill to attach a part of the county of Lawrence to the county of Gallia;

A bill to incorporate the second presbyterian church and congregation in Newark, Licking county;

A bill to incorporate the Dayton hotel company;

A bill to incorporate the Bolivar and Loudonville turnpike or McAdamized road company;

A bill to lay out and establish a graded state road in the counties of Carroll and Harrison;

A bill to incorporate the town of Nelsonville in the county of Athens;

A bill to incorporate the Brooklyn centre academy;

A bill to establish a state road in the counties of Monroe and Guernsey;

A bill to incorporate the trustees of the Ravanna female seminary.

The House has passed the following bills of the Senate, to wit:

A bill for the relief of Norman C. Baldwin;

A bill to incorporate the Hancock hydraulic company, with one amendment, to which the concurrence of the Senate is requested.

Attest, W. H. BLODGET, *Clerk.*

The bills from the House was read the first time.

The amendment of the House, to the bill of the Senate was agreed to.

Ordered that the house be informed thereof.

Mr. Stokely, on leave, from the standing committee on colleges and universities, to which was recommitted the bill, (H. No. 100,) to incorporate the Mount Pleasant boarding school, and to adjust the difficulties existing between the Orthodox and Hicksite society of friends relative thereto, reported the same back without amendment.

On motion of Mr. Smith,

The bill was committed to a committee of the whole Senate, and made the order of the day for this day.

On motion of Mr. Thomas,

The bill, (H. No. 124,) for the relief of Caleb Inlay, was taken up and recommitted to a select committee of three.

The Speaker appointed Messrs. Thomas, Spangler and Green said select committee.

Mr. Stadden moved that the Senate take up the resolution from the House providing for a survey of a route for a canal from Columbus to Lake Erie; which was agreed to.

Mr. Smith moved to amend the resolution, by adding the following as a proviso, to wit:

*Provided*, that said examination and survey shall not render necessary any increase in the number of officers and engineers in the employment of the State, nor prejudice the works already in progress.

Upon this question the yeas and nays were demanded, and were, yeas 13, nays 20; as follows, to wit:

Yeas—Messrs. Harlan, Morris, Oliver, Powers, Smith, Stokely, Spangler, Tod, Thomas, Utter, Wade, Walton, and White—13.

Nays—Messrs. Allen, Bates, Birch, Cox, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Shannon, Saylor, Shideler, Stadden, Thompson; Vanmeter and Speaker—20.

So the question was lost.

The question then recurring upon the adoption of the resolution, the yeas and nays were demanded, and were, yeas 20, nays 12; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Cox, Fuller, Craighill, Green, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Saylor, Shideler, Stadden, Thompson, Vanmeter, Walton and Speaker—20.

Nays—Messrs. Harlan, James, Morris, Oliver, Smith, Stokely, Spangler, Tod, Thomas, Utter, Wade and White—12.

So the question was carried, and the resolution was agreed to.

Ordered that the house be informed thereof.

On motion of Mr. Ihrig,

The senate resolved itself into a committee of the whole, Mr. Green in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported back the following bills, to wit:

(S. No. 123.) A bill to incorporate the mechanics and trader's bank of the city of Cincinnati, with one amendment.

On motion of Mr. Holmes,

The further consideration of the bill was postponed until the first Monday in December next.

(H. No. 129.) An act to incorporate the town of Brownsville, in the county of Licking, without amendment.

On motion of Mr. Stadden,

The bill was laid upon the table.

(H. No. 109.) An act amendatory of an act entitled an act to abol-



ish imprisonment for debt, with sundry amendments; which were agreed to.

Mr. Powers moved further to amend the bill by striking out the 7th section thereof; upon which question the yeas and nays were demanded, and were, yeas 21, nays 10; as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Green, Harlan, Matthews, Morris, Oliver, Powers, Smith, Stokely, Shannon, Spangler, Shideler, Tod, Thomas, Utter, Vanmeter, Wade, White and Speaker—21.

Nays—Messrs. Bates, Craighill, Fuller, Holmes, Hostetter, Ihrig, Saylor, Stalden, Thompson and Walton—10.

So the question was carried.

The bill was then further amended, when

Mr. James moved to recommit the bill to the standing committee on the judiciary, on which question the yeas and nays were demanded; and were, yeas 30, nays 2; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, Morris, Oliver, Powers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stalden, Thompson, Thomas, Utter, Vanmeter, Walton, White and Speaker—30.

Nays—Messrs. Tod and Wade—2.

So the question was carried.

(S. No. 125.) A bill to authorize the construction of a canal from the Ohio canal, near Clinton, to Wooster, in Wayne county, without amendment.

On motion of Mr. Ihrig,

The bill was recommitted to the standing committee on canals.

(S. No. 122.) A bill to incorporate the methodist episcopal church of Troy city, in the county of Tuscarawas, without amendment; and the bill was ordered to be engrossed for its third reading on to-morrow in order to its final passage.

(S. No. 121.) A bill to incorporate the town of Madisonville, in the county of Hamilton, with sundry amendments, some of which were agreed to, and others disagreed to; and the bill was ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

(H. No. 166.) An act to incorporate the town of Minster, in the county of Mercer, with one amendment, which was agreed to; and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

(H. No. 144.) An act to amend an act entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendent, with sundry amendments.

Mr. James moved to disagree to the first amendment of the committee which proposed to strike out all of the first section of the bill saving the enacting clause, and insert in lieu thereof the following, to wit:

That the county commissioners of any county, at their discretion, may reduce the school tax to be levied and collected in their respec-

tive counties, as provided for in the second section of the law to which this is an amendment, to any sum not less than one mill on the dollar, and in all cases where any county commissioners shall order such reduction of school tax on or before the first Monday of June, the county auditor in making out his duplicate for that year shall be governed thereby.

Upon which question. Mr. Spangler demanded the yeas and nays, which were ordered, and were, yeas 16, nays 17; as follows, to wit:

Yeas—Messrs. Allen, Bates, Cox, Green, Holmes, Hostetter, James, Smith, Shannon, Spangler, Saylor, Shideler, Utter, Vanmeter, Walton and Speaker—16.

Nays—Messrs. Birch, Craighill, Fuller, Harlan, Ihrig, Matthews, McLaughlin, Morris, Oliver, Powers, Stokely, Stadden, Thompson, Tod, Thomas, Wade and White—17.

So the question was lost and the amendment was agreed to.

The amendments were further progressed in, when

On motion of Mr. Green,

The bill and pending amendments were laid upon the table.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to divorce Roxana Davis from her husband Luther M. Davis;

A bill to amend an act entitled an act to incorporate the town of St. Clairsville, in Belmont county;

A bill to incorporate the first methodist society of Evansport, Ohio.

The Speaker of the house has signed the following enrolled bills, to which the signature of the Speaker of the senate is also requested, to wit:

An act to amend the act to incorporate the town of Newark and the several acts amendatory thereto;

An act to incorporate the Massillon cemetery association;

An act to incorporate the first universalian religious library society of Harmar;

An act making special provisions for the sale of section sixteen, in township nine and range three, in Jefferson county;

An act to incorporate the Leading creek toll bridge company, in the county of Meigs;

A resolution to provide for the distribution of certain copies of the revised statutes, volume 29.

Attest: W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the senate signed the enrolled bills from the house.

A message from the House of Representatives.

Mr. Speaker:

The house has concurred in the several amendments of the senate to the following bills of the house, to wit:

An act to incorporate the Wellsville and Cleveland McAdamsized road company;

An act to incorporate the Clermont and Woodville graded road company;

An act to incorporate the first church of disciples in Bedford, Cuyahoga county;

An act to authorize a graded state road from the Ohio river, opposite the Flats of Grave creek, to Pleasanton.

The house has also agreed to the amendments of the senate to the bill of the house, in relation to permanent leasehold estates, with one amendment, in which they request the concurrence of the senate.

Attest: W. H. BLODGET, *Clerk*.

The amendment of the house to the amendment of the senate to the bill of the house, was agreed to.

Ordered, that the House be informed thereof.

On motion of Mr. Smith,

The resolution providing for rescinding the resolution requiring the printing and distribution of the fifth section of the act to amend the act to establish the Miami university, was taken up and agreed to.

Ordered to the House for concurrence.

Mr. Tod offered the following resolution, to wit:

*Resolved by the General Assembly of the State of Ohio, That the Governor of Ohio be and he is hereby authorized and directed to represent in person or by proxy, the stock of the State in the election of directors for the government of all canal or slackwater navigation companies in which the State have taken stock, under the provisions of the act entitled an act to authorize a loan of credit by the State of Ohio to rail road companies, and to authorize subscriptions by the State to the capital stock of turnpike, canal and slackwater navigation companies, passed March 24th, 1837.*

Pending the consideration of said resolution,

On motion of Mr. Smith,

The Senate adjourned.

Attest: C. J. McNULTY, *Clerk*.

---

FRIDAY, March 1, 1839.

The Senate met pursuant to adjournment.

Mr. Wade presented a petition from citizens of Licking county, praying the appointment of commissioners to visit the State of Kentucky for certain purposes; which was referred to Mr. Wade:

Mr. Holmes presented a memorial from the president and directors of the Batavia turnpike and Miami bridge company, asking an amendment to their charter: which was referred to Mr. Holmes.

Mr. Bates presented a petition from citizens of Lucas county, pray



ing the removal of the seat of justice of said county; which was laid upon the table.

Mr. Bates presented a remonstrance from citizens of Williams county against the removal of the seat of justice of said county; which was laid upon the table.

Mr. Tod presented a petition from citizens of Cuyahoga county, praying that banking powers may be given to the Cleveland and Warren railroad company; which was laid upon the table.

Mr. Tod presented a petition from citizens of Cuyahoga county, praying the establishment of a superior court in the city of Cleveland; which was laid upon the table.

Mr. Spangler, from the standing committee on finance, reported a bill to incorporate the State agricultural society; which was read the first time.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 62) to amend the act entitled an act to regulate the practice of the judicial courts, reported the same back without amendment, and recommended that the same be indefinitely postponed; which was agreed to.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 80) for the relief of Abner Enoch, with the pending amendments, reported the same back with the recommendation that the amendments of the house to the amendments of the senate be agreed to, except the first.

On motion of Mr. Spangler,

The bill and amendments were laid on the table.

Mr Matthews, from the standing committee on canals, to which was referred sundry petitions praying aid to the Stillwater navigation and railroad company, made the following report, to wit:

(See Appendix, M, p. 19.)

On motion of Mr. Matthews,

The report was laid upon the table.

The bill to extend the Ohio canal up to Freeport, in the county of Harrison, was read the first time.

Mr. Allen, from the standing committee on new counties, made the following report, which was agreed to, to wit:

The standing committee on new counties have had under consideration sundry petitions from citizens of Wood, Lucas, Hancock, and Sandusky, praying the erection of the county of Gibson; and now ask leave to be discharged from the further consideration of the same.

Mr. Allen, from the standing committee on new counties, made the following report, which was agreed to, to wit:

The standing committee on new counties, to which was referred sundry petitions for the erection of a new county of parts of the counties of Washington and Athens, to be called Chester, and also re-

monstrances against the erection of said county, have had that subject under consideration, and now report:

That there is territory sufficient without reducing either of said counties below the constitutional limits; but that the petitioners, although numerous, are met by about an equal number of remonstrants, who aver, and as the committee from a view of the map believe, they would be greatly discommoded by the erection of said county, and that their burden of taxation would necessarily be greatly increased. From the facts presented, and from the expression of those within the proposed limits for and against the proposition, your committee believe it would be unwise to erect said proposed new county.

They ask to be discharged from the further consideration of the subject, and that the petitions and remonstrances be postponed until the first Monday of December next.

Mr. McLaughlin, from the select committee to which was recommit-  
ted the bill (H. No. 295) to change the name of the town of Vermilion, in Richland county, to that of Savannah, reported the same back without amendment.

Mr. Cox moved that the bill be committed to a committee of the whole Senate, and made the order of the day for this day; upon which question,

Mr. McLaughlin demanded the yeas and nays, which were ordered, and were, yeas 12, nays 20—as follows, to wit:

Yeas—Messrs. Cox, Craighill, Fuller, Harlan, James, Rodgers, Smith, Tod, Thomas, Utter, Wade, and Speaker—12.

Nays—Messrs. Allen, Bates, Birch, Green, Holmes, Hostetter, Matthews, McLaughlin, Morris, Oliver, Stokely, Shonnon, Spangler, Saylor, Shideler, Stadden, Thompson, Vanmeter, Walton, and White—20.

So the question was lost.

On motion of Mr. McLaughlin,

The bill was then laid upon the table.

The following bills were severally read the second time, committed to a committee of the whole senate, and made the order of the day for this day, to wit:

H. No. 311. An act to incorporate the second presbyterian church and congregation in Newark, Licking county;

H. No. 317. An act to incorporate the first congregational church and society of Parma, in the county of Cuyahoga;

H. No. 307. An act to incorporate the wardens and vestry of St. Barnabas' church at New Hagerstown, in Carroll county;

H. No. 302. An act to establish a state road in the counties of Monroe and Guernsey;

H. No. 318. An act to incorporate the Brooklyn Centre academy;

H. No. 313. An act to create a lien in the town of Zanesville;

H. No. 306. An act to lay out and establish a state road in the counties of Carroll and Harrison;

H. No. 219. An act ceding to the United States the jurisdiction of

certain lands in the township of Huron, in the county of Huron, for certain purposes;

H. No. 320. An act ceding the jurisdiction of certain lands to the United States on Cedar point entrance of Sandusky bay, in the county of Erie, for a certain purpose;

H. No. 316. An act to attach a part of the county of Lawrence to the county of Gallia;

H. No. 314. An act to incorporate the town of Nelsonville, in the county of Athens;

H. No. 297. An act to incorporate the Bolivar and Loudonville turnpike or McAdamized road company;

H. No. 312. An act to incorporate the trustees of the Ravenna female seminary;

H. No. 212. An act to incorporate the Dayton hotel company.

H. No. 425. An act further to amend the act to prohibit the issuing and circulating of unauthorized bank paper, passed January 27, 1816, was read the second time; and

On motion of Mr. Spangler,

Recommitted to the standing committee on the currency.

H. No. 309. An act to incorporate the Dayton silk company, was read the second time; and

On motion of Mr. Spangler,

Recommitted to the standing committee on agriculture, commerce, and manufactures.

H. No. 322. An act amendatory of an act for the punishment of certain offences, passed March 3, 1831, was read the second time; and

On motion of Mr. Walton,

Recommitted to the standing committee on the judiciary.

The following bills of the Senate were read the third time and passed, to wit:

An act to incorporate the methodist episcopal church of Troy city, in the county of Tuscarawas;

An act to incorporate the town of Madison, in the county of Hamilton.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

The following bills of the House were read the third time and passed, to wit:

An act to incorporate the town of Minster in the county of Mercer.

An act to vacate certain alleys in the town of Massillon, and to establish a street in said town, was read the third time; and

On motion of Mr. Hostetter,

The amendment of the Senate to said bill was amended by way of rider.

The amendments were ordered to be engrossed at the clerk's table, and the bill was passed.

The title having been read,



Mr. Smith moved to amend the same by striking out all after the words "An act," and inserting these words: to amend the act to provide for the vacating of town plats, and for other purposes, passed January 29, 1828; which was agreed to.

Ordered that the house be informed thereof, and that their concurrence be requested.

Mr. James, on leave, from the standing committee on finance, to which was recommitted the bill (H. No. 36) for the relief of John Wolf, reported the same back with sundry amendments, which were agreed to, and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Holmes in the chair, on the bill (H. No. 173) to abolish the board of canal commissioners, and to revive the board of public works; and the same was reported back without amendment.

Mr. Green moved to amend the bill, sec. 13, line 2, by striking out the words "fifteen hundred," and inserting in lieu thereof, "two thousand;" upon which question, the yeas and nays were demanded, and were, yeas 3, nays 27—as follows, to wit:

Yeas—Messrs. Green, James, and McLaughlin—3.

Nays—Messrs. Allen, Bates, Birch, Cox, Craighill, Fuller, Harlan, Holmes, Hostetter, Ihrig, Matthews, Morris, Oliver, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Thomas, Utter, Vanmeter, Wade, Walton, White, and Speaker—27.

So the question was lost.

Mr. Harlan then moved to amend the bill by adding the following as a proviso at the end of the third section, to wit:

*Provided*, That the relative rates of toll on wheat and flour shall not be changed from the rate of tolls now levied and collected, until such alteration shall be authorized by law.

Upon this question the yeas and nays were demanded, and were, yeas 5, nays 27, as follows, to wit:

Yeas—Messrs. Fuller, Harlan, Morris, Thomas and White—5.

Nays—Messrs. Allen, Bates, Birch, Cox, Craighill, Green, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Oliver, Smith, Stoke-ly, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmetre, Wade, Walton and Speaker—27.

So the question was lost.

Mr. Thomas moved to amend the bill in the third line of the 2d section of the printed bill by striking out of these words, "there shall be created, a board of public works consisting of five members," the word "five," and inserting "four."

Mr. Thompson then called for a division of the question, and the question then turned on striking out.

On which question, the yeas and nays were demanded, and were, yeas 14, nays 18, as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Smith, Stokely, Thomas, Vanmeter, Wade and White—14.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—18.

So the question was lost.

Mr. Thomas further moved to amend the bill in the second section, 12th line of printed bill, by striking out "four" and inserting "three," so as to reduce the number of the acting commissioners from four to three.

Upon which question, the yeas and nays were demanded, and were, yeas 12, nays 19—as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Smith, Thomas, Wade, and White—12.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmetre, Walton and Speaker—19.

So the question was lost.

Mr. Green then moved that the further consideration of the bill be indefinitely postponed.

Upon which question, the yeas and nays were demanded, and were, yeas 14, nays 18, as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Smith, Stokely, Thomas, Vanmetre, Wade and White—14.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—18.

So the question was lost.

The bill was then amended, and,

The question then recurring on ordering the bill to be read a third time, the yeas and nays were demanded, and were, yeas 18, nays 13, as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—18.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Smith, Thomas, Vanmetre, Wade and White,—13.

So the question was carried, and the bill was ordered to be read a third time on to-morrow.

On motion of Mr. McLaughlin,

The bill (H. No. 144) to amend the act entitled an act to provide for the support and better regulation of common schools and to create permanently the office of superintendent; was taken up.

Mr. McLaughlin moved a reconsideration of the vote taken yesterday, on agreeing to the first amendment of the committee of the whole to said bill; which was agreed to.

On motion of Mr. Fuller,

The bill and amendment were laid upon the table.

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Harlan in the chair, on the orders of the day; and after some time spent

therein, the committee rose and reported back the following bills, to wit:

S. No 87. A bill to authorize and regulate a system of banking in the State of Ohio, with one amendment, striking out the fourth section of the bill.

Mr. Walton moved the further consideration of the subject be indefinitely postponed.

Upon which question, the yeas and nays were demanded, and were, yeas 19, nays 9, as follows, to wit:

Yeas—Messrs. Bates, Cox, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, White and Speaker—19.

Nays—Messrs. Allen, Birch, Fuller, Green, Harlan, Thomas Smith, Vanmetre and Wade—9.

So the bill was indefinitely postponed.

On motion of Mr. Spangler,

The Senate then adjourned.

Attest:

C. J. McNULTY, *Clerk.*

---

SATURDAY, *March 2, 1839.*

The Senate met pursuant to adjournment.

The journal of yesterday's proceedings having been read, Mr. Powers, who was detained by sickness from attending upon the sitting of the Senate yesterday, asked leave to record his vote on the question of postponing indefinitely the further consideration of Senate bill No. 87, to authorize and regulate a system of banking in the State of Ohio; which was granted, and on his name being called, answered in the negative.

Leave was also granted to Messrs. James, Oliver, Rodgers and Stokely, to record their names on said question, and on being called, severally answered in the negative.

Leave was also granted to Mr. Morris to record his name on the same question, and on being called, voted in the affirmative.

The result of the vote was then announced to be, yeas 20, nays 14.

Mr. Wade presented a petition from citizens of Columbiana county, in relation to the subject of slavery, &c.; which was referred to the standing committee on the judiciary.

Mr. Ihrig, from the standing committee on railroads and turnpikes, to which was recommitted the bill (S. No. 171) to incorporate the Lancaster, Carroll, Pickerington and National road turnpike company, reported the same back without amendment; and,

On motion of Mr. Cox,

The bill was committed to a committee of the whole Senate, and made the order of the day for this day.



Mr. Saylor from the standing committee on railroads and turnpikes, to which was referred the petition of citizens of Lucas county, praying the construction of a McAdamized road from Maumee city to the State line on the northwest, asked leave to be discharged from the further consideration thereof; which was agreed to.

Mr. Matthews, from the standing committee on canals, to which was recommitted the bill (S. No. 125) to provide for the construction of a canal from the Ohio canal near Clinton, to Wooster, in Wayne county, reported the same back without amendment, which was agreed to, and the question being on ordering the bill to be engrossed for its third reading, the yeas and nays were demanded, and were, yeas 12, nays 21, as follows, to wit:

Yeas—Messrs. Allen, Birch, Craighill, Hostetter, Ihrig, Matthews, McLaughlin, Powers, Shannon, Shideler, Stadden and Walton—12.

Nays—Messrs. Bates, Cox, Fuller, Green, Harlan, Holmes, James, Morris, Oliver, Rodgers, Smith, Stokely, Spangler, Saylor, Thompson, Tod, Thomas, Utter, Wade, White and Speaker—21.

So the question was lost.

Mr. Morris, from the standing committee on agriculture, commerce and manufactures, to which was recommitted the bill (H. No. 251) for the protection of orchards, gardens, and other improved lands, reported the same back with one amendment, which was agreed to, and

On motion of Mr. Spangler,

The bill was committed to a committee of the whole senate, and made the order of the day for this day.

Mr. Oliver, from the standing committee on agriculture, commerce and manufactures, to which was recommitted the bill (H. No. 309) to incorporate the Dayton silk company, reported the same back without amendment; and the bill was ordered to be read a third time on Monday next, in order to its final passage.

Mr. Matthews, from the standing committee on canals, reported a bill for the relief of Wm. Spencer and Alpheus Cannell; which was read the first time.

Mr. Tod, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 269) for the relief of Morris Seely, reported the same back with sundry amendments.

On motion of Mr. Harlan,

The bill and pending amendments were recommitted to the standing committee on claims.

Mr. Holmes, from the select committee on that subject, reported a bill to incorporate the Hibernian benevolent society of Cincinnati; which was read the first time.

Mr. Holmes, from the select committee on that subject, reported a bill to amend the act entitled an act to incorporate the Batavia turnpike and bridge company; which was read the first time.

Mr. Thomas, from the select committee, to which was recommitted the bill (H. No. 124) for the relief of Caleb Imlay, reported the same back with sundry amendments.

On motion of Mr. Spangler,

The bill and amendments were committed to a committee of the whole senate, and made the order of the day for this day.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 186. A bill to incorporate the state agricultural society;

S. No. 187. A bill to extend the Ohio canal up to Freeport, in the county of Harrison.

The following bill of the house was read the third time and passed, to wit:

An act for the relief of John Wolfe.

An act to abolish the board of canal commissioners and to revive the board of public works, was read the third time, and on the question, shall the bill pass? the yeas and nays were demanded, and were, yeas 18, nays 16; as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—18.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Thomas, Vanmeter, Wade and White—16.

So the question was carried.

Ordered, that the title be as aforesaid, and that the concurrence of the House in the amendments thereto be requested.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill appointing trustees for the Miami university;

A bill to authorize the commissioners of Franklin county to sell the poor house of said county and the lands attached thereto;

A bill to prevent certain injuries to the canals belonging to the State, and for other purposes.

The house requests that the bill of the house for the relief of Abner Enoch, with the amendments, &c. may be returned to the house.

The following bill has been reported to the house and read the first time, to wit:

A bill to review and alter a part of a state road from Worthington, in Franklin county, to Marysville, in the county of Union.

The house has passed a resolution for the relief of Charles Rairy, to which the concurrence of the senate is requested.

Attest:

W. H. BLODGET, *Clerk*.

The request of the house for the return of the bill for the relief of Abner Enoch was acceded to, and the bill was ordered to be returned.

On motion of Mr. Tod,

The resolution from the house was referred to the standing committee on canals.

A message from the House of Representatives.

Mr. Speaker:

The house has passed the following bills to which the concurrence of the senate is requested, to wit:

A bill appointing trustees of the Miami university;

A bill to authorize the commissioners of Highland county to sell or lease certain inlots in the town of New Market, in said county;

A bill in addition to the act to tax banks, insurance and bridge companies;

A bill authorizing the extension of the Miami canal feeder;

A bill to incorporate the Venice and Milton turnpike road company;

A bill to amend the act entitled an act to incorporate the Perry improvement company;

A bill to incorporate the Roseville and Deavertown turnpike road company;

A bill to amend the act to incorporate the Westchester, Middletown and Winchester turnpike company;

A bill to amend an act entitled an act for the redemption of lands and town lots sold for taxes, passed March 3, 1831;

A bill to incorporate the Malta lyceum;

A bill to amend an act entitled an act to incorporate the German Lutheran and presbyterian congregation in the township of Green, in the county of Columbiana;

A bill to incorporate the Little Hockhocking bridge company;

A bill in relation to licenses by city and town authorities for the sale of spirituous liquors;

A bill to incorporate the master and wardens of St. John's lodge, No. 13, in the town of Dayton;

A bill to incorporate the New Haven hydraulic company;

A bill to incorporate the Wilmington and London turnpike company.

The house has passed the following bills of the senate, to wit:

A bill to incorporate the Huron county silk company;

A bill to lay out and establish a state road in the counties of Delaware, Union and Franklin.

The house has passed a resolution providing that the secretary of state cause the act for the regulation of turnpike companies, passed January 7, 1817, and the acts amendatory thereto, to be published with the local laws of this session, to which the concurrence of the senate is requested.

Attest, W. H. BLODGET, *Clerk*.

The bills from the House were read the first time.

On motion of Mr. Spangler,

The resolution from the house was laid upon the table.

On motion of Mr. Smith,

The committee of the whole were discharged from the further consideration of the bill (H. No. 106) to incorporate the Wapaukonetta and Defiance turnpike road company; and the same was taken up and recommitted to the standing committee on rail roads and turnpikes.

On motion of Mr. Oliver,



The bill (S. No. 57) for the relief of Ethan Stone was taken up, and recommitted to the standing committee on canals.

On motion of Mr. Harlan,

The bill (H. No. 107) to authorize the county commissioners of the counties of Madison, Clark and Green, to subscribe to the capital stock of any turnpike road company or turnpike road companies, when such road or roads shall enter into or pass through any of the said counties or either of them, was taken up, and the question being on ordering the bill to be read a third time, Mr. Utter demanded the yeas and nays, which were ordered, and were, yeas 18, nays 10; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Spangler, Shideler, Thompson, Thomas, Vanmeter, White and Speaker—18.

Nays—Messrs. Craighill, Holmes, Hostetter, Matthews, Shannon, Saylor, Tod, Utter, Wade and Walton—10.

So the question was carried, and the bill was ordered to be read a third time on Monday next.

On motion of Mr. Fuller,

The bill (S. No. 124) for the relief of the Willoughby University of Lake Erie, was taken up, and the pending question was on the indefinite postponement of the bill, which was taken and decided in the affirmative, yeas 17, nays 15; as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, James, Matthews, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—17.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Vanmeter, Wade and White—15.

So the bill was indefinitely postponed.

On motion of Mr. Harlan,

The bill (S. No. 34) to amend an act entitled, an act to incorporate the emigrant's friend society of Cincinnati, passed March 7, 1838, was taken up and amended, and ordered to be engrossed for its third reading on Monday next, in order to its final passage.

On motion of Mr. Cox,

The report of the committee of the whole, made on yesterday, was taken up, and disposed of as follows:

S. No. 126. A bill to provide for the draining of Gervais pond in Scioto county. The pending amendment was agreed to, and the bill was ordered to be engrossed for its third reading on Monday next in order to its final passage.

S. No. 127. A bill to amend an act entitled an act to incorporate the Portsmouth and Hanging Rock turnpike company, passed April 1, 1837. The pending amendment thereto was agreed to, and the bill was ordered to be engrossed for its third reading on Monday next, in order to its final passage.

S. No. 128. A bill to amend the act entitled, an act to provide for the taking of depositions.

Mr. Utter moved that the further consideration of the bill be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 22, nays 7; as follows, to wit:

Yeas—Messrs. Allen, Cox, Fuller, Green, Harlan, Holmes, James, McLaughlin, Morris, Oliver, Rodgers, Stokely, Shannon, Spangler, Saylor, Shideler, Thomas, Utter, Vanmeter, Wade, White and Speaker—22.

Nays—Messrs. Bates, Birch, Craighill, Hostetter, Ihrig, Smith and Tod—7.

So the question was carried, and the bill was indefinitely postponed.

S. No. 129. A bill to incorporate the conference printing establishment of the united brethren church in the town of Circleville, Pickaway county, Ohio. The pending amendments were agreed to, and the bill was ordered to be engrossed for its third reading on Monday next, in order to its final passage.

S. No. 130. A bill to incorporate the first church of the united brethren in Christ, of Circleville, Pickaway county, Ohio. The bill was ordered to be engrossed for its third reading on Monday next, in order to its final passage.

S. No. 131. A bill to incorporate the Cuyahoga Falls institute.

On motion of Mr. Cox,

The bill was laid upon the table.

S. No. 132. A bill to amend an act entitled, an act to incorporate the Cincinnati and White Water canal company, passed April 1, 1837, with one amendment; which was agreed to, and the bill was ordered to be engrossed for its third reading on Monday next, in order to its final passage.

On motion of Mr. Utter,

The senate resolved itself into a committee of the whole, Mr. Walton in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported back the following bills, to wit:

H. No. 124. A bill for the relief of Caleb Imlay, with sundry amendments.

Mr. McLaughlin moved that the further consideration of the bill and amendments be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 13, nays 19; as follows, to wit:

Yeas—Messrs. Allen, Holmes, Ihrig, James, McLaughlin, Rodgers, Shannon, Spangler, Thompson, Tod, Utter, Walton, and Speaker—13.

Nays—Messrs. Bates, Birch, Cox, Craighill, Fuller, Green, Harlan, Hostetter, Matthews, Morris, Oliver, Smith, Stokely, Saylor, Shideler, Thomas, Vanmeter, Wade, and White—19.

So the question was lost.

Mr. Sangler then moved to recommit the bill to the select committee which had reported it, with instructions so to amend the same as to require the board of canal commissioners to appoint the appraisers of

the damages sustained by said Inlay; upon which question the yeas and nays were demanded, and were, yeas 23, nays 9; as follows, to wit:

Nays—Messrs. Allen, Bates, Craighill, Harlan, Holmes, Hostetter, Ihrig, James, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Utter, Walton, and Speaker—23.

Yeas—Messrs. Birch, Cox, Fuller, Green, Matthews, Thomas, Vanmeter, Wade and White—9.

So the question was carried.

S. No. 133. A bill to incorporate the Bellville railroad company, with sundry amendments.

On motion of Mr. Spangler,

Recommitted to the standing committee on railroads and turnpikes.

H. No. 145. A bill to encourage the culture of silk, without amendment.

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on agriculture, commerce and manufactures.

H. No. 175. An act to change the name of the town of Columbia in the county of Putnam, to that of Pendleton, without amendment, and the bill was ordered to be read a third time on Monday next, in order to its final passage.

H. No. 169. An act to incorporate the Nelsonville toll bridge company in the county of Athens, without amendment, and the bill was ordered to be read a third time on Monday next, in order to its final passage.

H. No. 171. An act to provide for the more effectual punishment of certain offences in the county of Scioto, without amendment, and the bill was ordered to be read a third time on Monday next, in order to its final passage.

H. No. 177. An act to incorporate the wardens and vestry of St. Andrew's church in Elyria, Lorain county, without amendment, and the bill was ordered to be read a third time on Monday next in order to its final passage.

H. No. 181. An act to lay out and establish a state road in the counties of Stark and Portage, without amendment, and the bill was ordered to be read a third time on Monday next, in order to its final passage.

H. No. 178. An act to regulate incorporated literary societies, without amendment, and the bill was ordered to be read a third time on Monday next, in order to its final passage.

H. No. 168. An act for the relief of Frederick A. Abbot, without amendment.

On motion of Mr. Smith,

The bill was recommitted to the standing committee on claims.

Mr. Stokely, pursuant to previous notice, asked and obtained leave, and introduced a bill to authorize the sale of section 16, township 5, range 2, Jefferson county; which was read the first time.



A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to review and alter a part of state road from Worthington in Franklin county to Marysville in the county of Union;

A bill for the relief of Arthur Taggart;

A bill to incorporate the Scioto and Rush lake hydraulic company.

The House has passed the following bill, to which the concurrence of the Senate is requested, to wit:

A bill for the relief of David Hayward and Thomas Sands;

A bill to amend an act entitled, an act to incorporate the Gallopis and Chillicothe turnpike company, and the act amendatory thereto;

A bill to extend the time of payment of school section sixteen in Holmes county;

A bill in relation to the duty of sheriffs and the sale of lands under execution;

A bill to incorporate the wardens and vestrymen of St. Andrew's church in the town of Madison in the county of Muskingum;

A bill making a special appropriation of the three per cent fund for the county of Knox;

The house has passed the following bills of the senate, to wit:

A bill to incorporate the directors of the literary and botanico medical college of the state of Ohio, with some amendments, to which the concurrence of the senate is requested;

A bill to provide for the appointment of measurers and inspectors of cord wood in the counties of Scioto, Jackson and Lawrence, and defining their duties;

A bill to authorize the directors of the school district composed of the town of Troy in the county of Miami to borrow money;

A bill to incorporate the Salem township baptist church in Muskingum county;

A bill to incorporate the Lebanon and Hopkinsville turnpike company;

A bill to incorporate the Huron and Mt. Vernon turnpike or McAdamized road company;

A bill to incorporate the Alexanderville and Bellbrook turnpike road company;

The house has passed a resolution for the relief of Henry Wharton, to which the concurrence of the senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The bills from the house were read the first time.

On motion of Mr. McLaughlin,

The resolution from the House was referred to the standing committee on canals.

On motion of Mr. Thomas,

The bill and amendments from the House were laid upon the table.

A message from the House of Representatives.

Mr. Speaker:

The House has agreed to the amendments of the Senate to the bill (No. 80) of the House for the relief of Abner Enoch, with some amendments, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The amendments of the House to the amendments of the Senate to the bill of the House were severally agreed to, except the first, which was disagreed to.

Ordered that the House be informed thereof.

Mr. Cox, from the committee on enrollment, reported that said committee had deposited in the office of the secretary of state, and taken his receipt for, the following acts and resolutions, to wit:

An act to amend the act to incorporate the town of Newark, and the several acts amendatory thereto;

An act to incorporate the Massillon cemetery association;

An act to incorporate the first universalian religious library society of Harmar;

An act to incorporate the Leading Creek toll bridge company in the county of Meigs,

An act making special provision for the sale of section sixteen, in township nine and range three, in Jefferson county;

Resolution to provide for the distribution of certain copies of the revised statutes, vol. 29;

Resolution providing for the payment of the expenses of the joint select committee appointed to investigate the affairs of the farmers' bank of Canton;

An act to incorporate the Belmont manufacturing company;

An act to authorize the commissioners of Huron county to borrow money;

An act to divorce E. L. Goodrich from his wife, Hannah Goodrich;

An act to incorporate the Oxford female academy.

Mr. Cox also reported that the same committee had examined and found duly enrolled the following bills and resolutions, to wit:

An act in relation to permanent leasehold estates;

An act to incorporate the town of Washington in the county of Guernsey;

Resolution authorizing the admission of James Engle into the institution for the blind;

Resolution directing a survey of a canal route from Columbus to Lake Erie.

The Speaker presented the following communication from his Excellency the Governor, to wit:

EXECUTIVE OFFICE, OHIO,  
Columbus, March 1st, 1839.

To the General Assembly of the State of Ohio:

GENTLEMEN:—A vacancy has occurred in the office of associate

judge of the court of common pleas for the county of Jefferson, by the resignation of John England.

Your obedient servant,

WILSON SHANNON.

On motion of Mr. Thompson,

The communication was laid upon the table.

Mr. White, from the joint committee on enrollment, reported that they had examined and found duly enrolled, the following acts and resolution, to wit:

Resolution to provide for the distribution of certain copies of the revised statutes, volume 29;

An act to incorporate the Leading Creek toll bridge company, in the county of Meigs;

An act making special provisions for the sale of section sixteen, in township nine and range three, in Jefferson county;

An act to incorporate the first universalian religious library society of Harmer;

An act to incorporate the Massillon cemetery association;

An act to amend the act to incorporate the town of Newark, and the several acts amendatory thereof;

An act to authorize a graded state road from the Ohio river opposite the flats of Grave creek, to Pleasanton;

An act to incorporate the Clermont and Woodville graded road company;

An act to incorporate the Asbury seminary at Chagrin falls;

An act to amend the act entitled an act to incorporate the town of Sidney, passed March 1, 1834;

An act to incorporate the Marion mechanics' beneficial society;

An act to amend the act entitled an act to provide for the incorporation of townships;

An act to change the name of the town of Vermillion in Richland county, to that of Savanna;

An act to incorporate the first regular baptist church of Aurora, in the county of Portage;

An act to incorporate the methodist episcopal church of Medina;

An act to incorporate the first church of disciples in Bedford, Cuyahoga county;

An act to incorporate the northern German Lutheran church of Cincinnati;

An act to incorporate the Wellsville and Cleveland McAdamized road company;

An act for the relief of Norman C. Baldwin;

An act to incorporate the Hancock hydraulic company;

On motion of Mr. Matthews,

The Senate resolved itself into a committee of the whole, Mr. Stokely in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported back the following bills, to wit:



**S. No. 139.** A bill to erect the county of Mohican, and to attach a part of the county of Coshocton to the county of Holmes, with sundry amendments.

On motion of Mr. Ihrig,

The bill and amendments were postponed until the first Monday of December next.

**II. No. 174.** An act to extend the corporate limits of Columbus, without amendment; and the bill was ordered to be read a third time on Monday next in order to its final passage.

**II. No. 153.** An act for the relief of owners of lands within the Mercer county reservoir, without amendment.

On motion of Mr. Smith,

The bill was referred to the standing committee on claims.

**S. No. 134.** A bill to incorporate the Kalida steam mill company with one amendment, which was agreed to; and the bill was further amended, and on the question of ordering the bill to be engrossed for its third reading,

Mr. Tod demanded the yeas and nays, which were ordered, and were, yeas 20, nays 9, as follows, to wit:

Yeas—Messrs. Bates, Birch, Cox, Craighill, Fuller, Green, Holmes, Matthews, Morris, Oliver, Rodgers, Stokely, Shannon, Spangler, Shideler, Thomas, Vanmetre, Wade, White and Speaker—20.

Nays—Messrs. Harlan, Ihrig, McLaughlin, Smith, Saylor, Thompson, Tod, Utter and Walton—9.

So the question was carried, and the bill was ordered to be read the third time on Monday next.

**S. No. 135.** A bill to incorporate the Fulton iron company of the city of Cleveland, with sundry amendments; which were agreed to, and the bill was further amended.

Mr. Tod moved to strike out the proviso to the third section, which read as follows, to wit:

*“Provided, always, That the joint assets or funds of the corporation shall be first subjected to the payment of such debts before the individual property of such stockholders shall be seized in execution, or other proceedings taken to subject the same to the payment of said debt.”*

Upon this question, Mr. Tod demanded the yeas and nays, which were ordered, and were, yeas 15, nays 15; as follows, to wit.

Yeas—Messrs. Bates, Craighill, Harlan, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Saylor, Shideler, Thompson, Tod, Utter and Walton—15.

Nays—Messrs. Birch, Cox, Fuller, Green, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Thomas, Vanmetre, Wade, White, and Speaker—15.

So the question was lost.

The question then recurred upon ordering the bill to be engrossed for its third reading in order to its final passage; upon which question, Mr. Thompson demanded the yeas and nays, which were ordered, and were, yeas 16, nays 14, as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Morris, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Thomas, Vanmetre, Wade, White and Speaker—16.

Nays—Messrs. Bates, Craighill, Harlan, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Saylor, Shideler, Thompson, Tod, Utter, and Walton—14.

So the question was carried, and the bill was ordered to be read a third time on Monday next.

S. No. 136. A bill to authorize the fund commissioners of Ross county to loan the surplus revenue to the county commissioners of said county, without amendment, and the bill was ordered to be engrossed for its third reading on Monday next, in order to its final passage.

S. No. 137. A bill to incorporate the Fredonia social library in the county of Licking, without amendment, and the bill was ordered to be engrossed for its third reading on Monday next, in order to its final passage.

S. No. 138. A bill to incorporate the Waynesville and Wilmington turnpike company, with sundry amendments; which were agreed to, and the bill was ordered to be engrossed for its third reading on Monday next, in order to its final passage.

S. No. 141. A bill to amend the act entitled, an act to amend the act entitled an act to authorize the making of indexes to the judicial records in the county of Hamilton, and in other counties of this State, passed March 16th, 1836, and for other purposes, passed January 26, 1838, without amendment, and the bill was ordered to be engrossed for its third reading on Monday next, in order to its final passage.

S. No. 142. A bill further to amend the act to incorporate and establish the city of Cincinnati, and for revising and repealing all laws and parts of laws heretofore enacted on that subject, with sundry amendments, which were agreed to; and the bill was further amended and ordered to be engrossed for its third reading on Monday next, in order to its final passage.

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the house has signed the following enrolled bill to which the signature of the Speaker of the senate is also requested, to wit:

An act to amend the act entitled an act to provide for the incorporation of townships.

Attest:

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the senate signed the enrolled bill from the house.

On motion of Mr. Holmes,

The senate took up the bill (S. No. 16) to provide for the collection of demands against steam boats and other water crafts, and the same was amended, and on the question of ordering the bill to be engrossed for its third reading, in order to its final passage,

Mr. Smith demanded the yeas and nays, which were ordered, and were, yeas 14, nays 17; as follows, to wit:

Yeas—Messrs. Allen, Craighill, Holmes, Hostetter, Matthews, McLaughlin, Spangler, Shideler, Thompson, Tod, Uter, Wade, Walton and White—14.

Nays—Messrs. Bates, Birch, Cox, Fuller, Green, Harlan, Ihrig, James, Morris, Rodgers, Smith, Stokely, Shannon, Saylor, Thomas, Vanmeter and Speaker—17.

So the question was lost.

On motion of Mr. Holmes,

The senate then adjourned until Monday morning 9 o'clock.

Attest,

C. J. McNULTY, *Clerk.*

MONDAY, *March 4*, 1839.

The Senate met pursuant to adjournment.

Mr. Bates presented a petition from citizens of Lucas county, praying the removal of the seat of justice of said county; which was laid upon the table.

Mr. Smith presented the proceedings of a public meeting of the citizens of Warren county in favor of a general banking law; which was laid upon the table.

Mr. Fuller presented a petition from citizens of Cleveland, praying the incorporation of a church; which was referred to Mr. Fuller.

Mr. Saylor, from the standing committee on railroads and turnpikes, to which was recommitted the bill (S. No. 133) to incorporate the Belleville rail road company, reported the same back with sundry amendments, which were agreed to; and the bill was ordered to be engrossed for its third reading on to-morrow in order to its final passage.

Mr. Saylor, from the standing committee on railroads and turnpikes, to which was referred the bill (H. No. 253) to amend an act to incorporate the Sandusky, Toledo and Michigan city rail road company, reported it back without amendment, and recommended the passage of the same; the bill was ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Saylor, from the standing committee on railroads and turnpikes, to which was recommitted the bill (H. No. 237) to amend an act entitled an act to incorporate the Cuyahoga Falls, Medina, Wellington and Norwalk turnpike road company, reported the same back without amendment.

On motion of Mr. Ihrig,

The bill was laid upon the table.

Mr. Oliver, from the standing committee on agriculture, commerce and manufactures, to which was referred the petition of citizens of Portage county, praying the passage of a law giving to mechanics a lien upon buildings they construct, asked to be discharged from the further consid-



eration thereof, and recommended that it be referred to the standing committee on the judiciary; which was agreed to.

Mr. Tod, from the standing committee on the currency, to which was recommitted the bill to amend the act to prohibit the issuing and circulation of unauthorized bank paper, reported the same back without amendment, and

On motion of Mr. Tod,

The bill was committed to a committee of the whole senate and made the order of the day for this day.

Mr. Fuller, from the select committee on that subject, reported a bill to incorporate the protestant evangelical church of Cleveland; which was read the first time.

Mr. Brady, from the select committee on that subject, made the following report, which was agreed to, to wit:

The committee to whom was referred the petition of sundry citizens of Tuscarawas county, praying for the sale of certain public ground in the town of West Chester, report:

That by the law as it now stands, the plat or map of every town when recorded, operates as a conveyance to vest the fee simple of all ground set apart for public use in the county in which the town is situated.

Therefore the committee consider it beyond the power of the legislature to interfere in the matter, and ask to be discharged from the further consideration of the subject.

Mr. Thomas, from the select committee, to which was recommitted the bill (H. No. 124) for the relief of Caleb Imlay, reported the same back with sundry amendments.

The preceding amendments having been agreed to, and the third amendment reported by the committee being under consideration, Mr. Oliver moved to amend the same by striking out these words: "and the abstraction of the water of the Miami river from his mills:" upon which question the yeas and nays were demanded, and were, yeas 6, nays 24; as follows, to wit:

Yeas—Messrs. McLaughlin, Oliver, Rodgers, Thompson, Tod and Speaker—6.

Nays—Messrs. Allen, Bates, Birch, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, Matthews, Morris, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Thomas, Utter, Vanmetre, Wade and Walton—24.

So the question was lost.

The amendments were then agreed to, and on the question of ordering the bill to be read a third time, the yeas and nays were demanded, and were, yeas 25, nays 6; as follows, to wit:

Yeas—Messrs. Bates, Birch, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Matthews, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Thomas, Utter, Vanmeter, Wade and Speaker—25.

Nays—Messrs. Allen, Ihrig, McLaughlin, Thompson, Tod and Walton—6.

So the question was carried, and the bill was ordered to be read a third time on to-morrow.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 188. A bill to incorporate the Hibernian benevolent society of Cincinnati;

S. No. 189. A bill to amend the act entitled an act to incorporate the Batavia turnpike and bridge company;

S. No. 190. A bill for the relief of William Spencer and Alpheus Channell;

S. No. 191. A bill to authorize the sale of section sixteen, township five, range two, Jefferson county;

H. No. 325. A bill to amend the act to incorporate the western, Middletown and Winchester turnpike company;

H. No. 339. A bill to authorize the commissioners of Highland county to sell or lease certain in-lots in the town of New Market, in said county;

H. No. 337. A bill to incorporate the master and wardens of St. John's lodge, No. 13, in the town of Dayton;

H. No. 194. A bill in addition to the act to tax banks, insurance and bridge companies;

H. No. 334. A bill to incorporate the New Haven hydraulic company;

H. No. 335. A bill to amend an act to incorporate the German Lutheran and presbyterian congregation in the township of Green, in the county of Columbiana;

H. No. 446. A bill appointing trustees of the Miami university;

H. No. 330. A bill to amend an act for the redemption of lands and town lots sold for taxes, passed March 3d, 1837;

H. No. 310. A bill authorizing the extension of the Miami canal feeder;

H. No. 327. A bill in relation to licenses by city and town authorities for the sale of spiritous liquors;

H. No. 323. A bill to incorporate the Venice and Milton turnpike company;

H. No. 333. A bill to incorporate the Little Hocking bridge company;

H. No. 324. A bill to incorporate the Roseville and Deavertown turnpike road company;

H. No. 275. A bill to amend an act to incorporate the Perry company;

H. No. 336. A bill to incorporate the Wilmington and London turnpike company;

H. No. 239. A bill to incorporate the Malta lyceum;

H. No. 38. A bill for the relief of David Hayward and Thomas Sands;

H. No. 15. A bill to amend an act to incorporate the Gallipolis and Chillicothe turnpike company, and the act amendatory thereto;

H. No. 328 A bill in relation to the duties of sheriff and sale of lands in execution;

H. No. 349. A bill to extend the time of payment of school section sixteen, in Holmes county;

H. No. 343. A bill to incorporate the wardens and vestrymen of St. Matthew's church, in the township of Madison, in the county of Muskingum;

H. No. 341. A bill making special appropriation of the three per cent fund for the county of Knox.

The following bills of the House were read the third time and passed, to wit:

An act to authorize the county commissioners of the counties of Madison, Clark and Green to subscribe to the capital stock of any turnpike road companies or turnpike road company where such road or roads shall enter or pass through any of the said counties or either of them.

Upon the question of the passage of this bill Mr. Tod demanded the yeas and nays; which were ordered and were, yeas 17, nays 12, as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Rodgers, Smith, Stokely, Spangler, Shideler, Thompson, Thomas, Vanmetre, White and Speaker—19.

Nays—Messrs. Allen, Craighill, Holmes, Hostetter, Ihrig, Matthews, Powers, Saylor, Tod, Utter, Wade and Walton—12.

So the question was carried.

An act to incorporate the Nelsonville toll bridge company in the county of Athens;

An act to extend the corporate limits of Columbus;

An act to change the name of the town of Columbia in the county of Putnam, to that of Pendleton;

An act to incorporate the wardens and vestry of St. Andrew's church in Elyria, Lorain county;

An act to regulate incorporated literary societies;

An act to lay out and establish a State road in the counties of Stark and Portage;

An act to incorporate the Dayton silk company.

Upon the passage of this bill, the yeas and nays were demanded, and were, yeas 23, nays 7, as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Fuller, Green, Harlan, Holmes, James, Matthews, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Thomas, Vanmetre, Wade and Speaker—23

Nays—Messrs. Craighill, Hostetter, Ihrig, Thompson, Tod, Utter and Walton—7.

So the question was carried.

Ordered that the titles be as aforesaid, and that the concurrence of the House in the amendments thereto be requested.



The following bill of the House was read the third time, to wit:

An act to provide for the more effectual punishment of certain offences in the county of Scioto.

On the question, "shall this bill pass?" the yeas and nays were demanded, and were, yeas 11, nays 15, as follows, to wit:

Yeas—Messrs. Birch, Cox, Craighill, Fuller, Rodgers, Stokely, Spangler, Saylor, Shideler, Wade, and White—11.

Nays—Messrs. Allen, Bates, Harlan, Holmes, Hostetter, Ihrig, Matthews, Smith, Shannon, Thompson, Tod, Utter, Vanmeter, Walton and Speaker—15.

So the question was lost.

Ordered that the House be informed thereof.

The following bills of the Senate were read the third time and passed, to wit:

An act to incorporate the Waynesville and Wilmington turnpike company;

An act to amend an act entitled, an act to incorporate the Portsmouth and Hanging Rock turnpike company, passed April 1st, 1837;

An act to incorporate the conference printing establishment of the united brethren church in the town of Circleville, Pickaway county, Ohio;

An act to incorporate the first church of the united brethren in Christ of Circleville, Pickaway county, Ohio;

An act to incorporate the Kalida steam mill company;

Upon the passage of this bill, the yeas and nays were demanded, and were, yeas 23, nays 9, as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Craighill, Fuller, Green, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Powers, Rodgers, Stokely, Shannon, Spangler, Shideler, Thomas, Vanmetre, Wade, White and Speaker—23.

Nays—Messrs. Harlan, Holmes, Hostetter, Smith, Saylor, Thompson, Tod, Utter and Walton—9.

So the question was carried.

An act to amend an act entitled, an act to incorporate the Cincinnati and White Water canal company, passed April 6, 1837;

An act to incorporate the Fulton iron company of the city of Cleveland.

On motion of Mr. Fuller,

This bill was amended by way of ryder, and on the question, "shall the bill pass?" the yeas and nays were demanded, and were, yeas 22, nays 11, as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Craighill, Fuller, Green, James, Matthews, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Shannon, Spangler, Shideler, Thomas, Vanmetre, Wade, White and Speaker—22.

Nays—Messrs. Bates, Harlan, Holmes, Hostetter, Ihrig, McLaughlin, Saylor, Thompson, Tod, Utter and Walton—11.

So the question was decided in the affirmative.

An act to incorporate the Fredonia social library, in the county of Licking;

An act to amend an act entitled an act to amend the act, entitled an act to authorize the making of indexes to the judicial records in the county of Hamilton, and in other counties of this State, passed March 16th, 1836, and for other purposes, passed Jan. 26th, 1838;

An act further to amend the act to incorporate and establish the city of Cincinnati, and for revising and repealing all laws and parts of laws heretofore enacted on that subject.

On motion of Mr. Oliver,

The bill was amended by way of ryder and passed.

Ordered that the titles be as aforesaid, and that the concurrence of the House be requested.

The following bill of the Senate was read the third time, and,

On motion of Mr. Green,

Recommitted to a select committee of two, Messrs. Green and Vanmetre, to wit:

An act to authorize the fund commissioners of Ross county to loan the surplus revenue to the county commissioners of said county;

The following bill of the Senate was read the third time, to wit:

An act to amend an act entitled, an act to incorporate the emigrant's friend society of Cincinnati, passed March 7, 1838.

On the question "shall the bill pass?" the yeas and nays were demanded, and were, yeas 13, nays 19, as follows, to wit:

Yeas—Messrs. Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Thompson, Wade, Walton and White—13.

Nays—Messrs. Allen, Bates, Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Powers, Rodgers, Smith, Stokely, Tod, Thomas, Utter, Vanmetre and Speaker—19.

So the question was lost.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to incorporate the town of Johnstown in the county of Licking;

A bill to incorporate the State agricultural society;

A bill to incorporate the Lithopolis academy.

The House has passed the following bills to which the concurrence of the Senate is requested, to wit:

A bill to amend an act entitled, an act to provide for the sale of the northwest quarter of section 27, in township 19 of range No. 18, in Richland county, and belonging to the original surveyed fractional township, No. 18 of range 18, in Knox county, passed Feb. 7th, 1838;

A bill to vacate part of a State road leading from Columbus to Springfield;

A bill to establish and lay out a State road in the counties of Allen and Hardin;

A bill making special appropriation of part of the three per cent. fund in the county of Perry;

A bill to establish a State road in the counties of Darke and Mercer;

A bill to vacate part of a State road in the county of Butler;

A bill to establish a graded State road from Lancaster to McArthurs-town;

A bill to authorize a review and change of a part of the State road from Proctor's store in the town of Patriot;

A bill to authorize a State road in Williams county;

A bill to change part of the State road leading from Worthington to Galena;

A bill to change the location of the State road from Palestine in Darke county to the Indiana State line;

A bill to authorize a State road in Morgan and Athens counties;

A bill to authorize a graded State road from Cole Run post office to intersect the graded State road from Cumberland, in Guernsey county, to Sharon in the county of Morgan;

A bill to authorize a graded State road in Morgan county;

A bill amendatory of an act to amend the act entitled, an act to incorporate the city of Columbus in the State of Ohio, passed March 5, 1838;

A bill to establish a State road in the counties of Sandusky and Seneca;

A bill to incorporate the town of Springfield, in the county of Hamilton;

A bill to lay out and establish a graded State road in the counties of Tuscarawas, Carroll and Columbiana;

A bill to establish a State road in the counties of Franklin, Delaware and Marion;

A bill to provide for the erection of a State arsenal;

A bill for the protection of railroads;

A bill to incorporate the Hanover, Stillwell and Rossville turnpike road company;

A bill to incorporate a saving society in the city of Ohio;

A bill to incorporate the Meigs county high school and teachers' institute;

A bill to incorporate the Ohio insurance company;

A bill to enlarge the corporate limits of the town of Zanesville.

The House has passed the following bills of the Senate, to wit:

A bill to incorporate the gracechurch of Maumee city;

A bill to incorporate the wardens and vestry of Christ's church of Huron, county of Huron;

A bill to incorporate the first congregational church and society of the township of Huntington in the county of Lorain; also,

A bill to lay out and establish a State road in the counties of Richland and Holmes, with some amendments, to which the concurrence of the Senate is requested.

The House has agreed to the amendments of the Senate to the bill



of the House, to incorporate the town of Logan in the county of Hocking; also, to the amendments of the Senate to the bill of the House to abolish the board of canal commissioners, and to revive the board of public works.

The House has agreed to the resolution of the Senate, rescinding a resolution heretofore passed by the General Assembly, in relation to the reprinting a certain section of a law therein named.

The House has receded from its first amendment to the amendment of the Senate to the bill of the House for the relief of Abner Enoch.

The House has agreed to the second amendment of the Senate to the bill of the House for the relief of John Wolf; agreed to the first amendment of the Senate, with one amendment, to which the concurrence of the Senate is requested, and disagreed to the third amendment of the Senate.

The House has agreed to the amendments of the Senate to the following bills of the House, to wit:

A bill to incorporate the town of Minster in the county of Mercer;

A bill to vacate certain alleys in the town of Massillon, and to establish a street in said town.

Attest:

W. H. BLODGET, Clerk.

Some of the bills from the house not having been engrossed, but being in the usual printed form,

Mr. Green offered the following resolution:

*Resolved*, That a message be sent to the house of representatives, informing them that the senate do not consider bills of the house, Nos. 368, 374, 379 and 359, as engrossed according to parliamentary usage; and that they respectfully *decline acting on those bills until they are conformed to past usage; and that the said bills be returned to the house.*

Mr. Tod moved that the further consideration of the resolution be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 14, nays 13, as follows:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, James, Matthews, Shannon, Saylor, Shideler, Tod, Walton and Speaker—14.

Nays—Messrs. Birch, Cox, Fuller, Green, McLaughlin, Morris, Rodgers, Smith, Stokely, Spangler, Vanmeter, Wade and White—13.  
So the question was carried.

The bills from the House were then severally read the first time.

The amendments of the house to the amendments of the senate, to the bill of the house, were agreed to.

Ordered that the House be informed thereof.

The first amendment of the house to bill of the senate, was agreed to; and the remaining amendments of the house thereto were disagreed to.

Ordered that the house be informed thereof.

Mr. Green, from the select committee to which was recommitted the bill to authorize the fund commissioners of Ross county, to loan the surplus revenue to the county commissioners of said county, re-

ported the same back with sundry amendments; which were agreed to.

The title was amended so as to read as follows:

A bill to authorize the fund commissioners of certain counties, to loan the surplus revenue to the county commissioners of said counties.

The bill was then passed.

Ordered, that the title be as aforesaid, and that the concurrence of the house be requested.

On motion of Mr. Utter,

The senate reconsidered the vote taken on Saturday, on the passage of the bill (S. No. 125) providing for the construction of a canal from the Ohio canal, near Clinton, to Wooster, in Wayne county.

On motion of Mr. Ihrig,

The further consideration of the bill was then postponed until the first Monday in December next.

On motion of Mr. Green,

The senate reconsidered the vote taken to-day, on the final passage of the bill (H. No. 171) to provide for the more effectual punishment of certain offences in the county of Scioto; and the same was referred to the standing committee on the judiciary.

A message from the House of Representatives.

Mr. Speaker:

The house passed, on Friday last, a resolution as follows:

*Resolved*, That the signature of the clerk of this house, to such bills as receive no amendments, shall be taken and received as a regular engrossment thereof.

March 4, 1839.

Attest,

W. H. BLODGET, *Clerk*.

The Speaker presented the following communication from the auditor of state:

AUDITOR OF STATE'S OFFICE,  
*Columbus, March 2, 1839.*

*To the Honorable the Senate.*

GENTLEMEN:—In answer to a resolution from each branch of the general assembly, requesting information from this department, what had been done in obtaining the names of the towns and townships in the several counties of this state, &c., I have the honor to report that a circular was forwarded to each of the county auditors of this state, asking a compliance with the above mentioned resolution; but some of the counties have made no reply to the said circular, although furnished with a second call from this office asking a compliance.

Only 52 out of the 76 counties of the state have made return; and as nothing short of a full and complete list would meet the wishes and

expectations of the general assembly, I have thought it advisable to recommend a suspension of the report from this department until the meeting of the next legislature.

Respectfully submitted.

JOHN A. BRYAN,  
*Auditor of State.*

On motion of Mr. Spangler,

The communication was laid upon the table.

On motion of Mr. Morris,

The senate resolved itself into a committee of whole, Mr. Morris in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported back the following bills of the senate without amendment, to wit:

A bill to incorporate the Norwalk hook and ladder company, Huron county;

A bill to authorize the commissioners of Wood and Hancock counties to subscribe to the capital stock of the Bellefontaine and Perrysburg railroad company, and to borrow money;

A bill to amend an act entitled, an act to incorporate the village of Middlebury, in the county of Portage, passed Feb. 27, 1838;

A bill to incorporate the Cincinnati silk company;

Which bills were severally ordered to be engrossed for their third reading on to-morrow, in order to their final passage.

The committee also reported,

A bill authorizing the city of Cincinnati to purchase and conduct the Cincinnati water works; and,

A bill to incorporate the mechanics' society of Richland county, with sundry amendments; which were agreed to, and the bills were severally ordered to be engrossed for their third reading on to-morrow, in order to their final passage.

The committee also reported back the following bills of the house without amendment:

An act to incorporate the St. Mary's library association, in the county of Mercer;

An act for the relief of John Beatty, auditor of Clermont county;

An act to incorporate the first baptist church of Perrysburg, Wood county;

An act to incorporate the methodist episcopal church of Johnstown, in the county of Licking;

An act to incorporate the congregational church of Plain, in Wood county;

An act to incorporate the first presbyterian church in Hanover, in the county of Columbiana;

An act to authorize the president, recorder and trustees of the town of New Lisbon, to borrow money;

Which bills were severally ordered to be read a third time on to-morrow, in order to their final passage.



The committee also reported a bill (H. No. 184) for the relief of James A. Wilkinson, with one amendment.

On motion of Mr. James,

The bill and amendments were recommitted to the stading committee on the judiciary.

On motion of Mr. Spangler,

The senate again resolved itself into a committee of the whole, Mr. Tod in the chair, on the orders of the day; and after some time spent therein, the committee rose and reported back the following bill of the senate without amendment, to wit:

A bill to amend the act entitled, an act to incorporate the Hamilton, Springfield and Carthage turnpike company, passed February 24, 1834;

A bill to amend an act entitled, an act to incorporate the Steubenville, Cadiz and Cambridge McAdamized road company;

A bill to amend an act entitled, an act to incorporate the Ripley and Hillsborough turnpike company, passed Feb. 19, 1833, and for other purposes;

Which bills were severally ordered to be engrossed for their third reading on to-morrow, in order to their final passage.

The committee also reported the bill (H. No. 189) for the support and better regulation of the public schools in the town of Zanesville, with one amendment.

On motion of Mr. Cox,

The bill and pending amendments were recommitted to the standing committee on schools and school lands.

The committee also reported, without amendment, a resolution appointing commissioners to review the county seat of Williams county.

Mr. Bates moved that the further consideration of the resolution be postponed until the first Monday in December next; upon which question the yeas and nays were demanded, and were, yeas 16, nays 16, as follows:

Yeas—Messrs. Bates, Cox, Fuller, Holmes, James, Matthews, Oliver, Powers, Spangler, Saylor, Shideler, Thompson, Tod, Wade, Walton and Speaker—16.

Nays—Messrs. Allen, Birch, Craighill, Green, Harlan, Hostetter, Ihrig, McLaughlin, Rodgers, Smith, Stokely, Shannon, Thomas, Utter, Vanmeter, and White—16.

So the question was lost.

The question then recurred upon the adoption of the resolution; upon which question the yeas and nays were demanded, and were, yeas 19, nays 13, as follows:

Yeas—Messrs. Allen, Birch, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, McLaughlin, Rodgers, Smith, Stokely, Shannon, Thompson, Thomas, Utter, Vanmeter, and White—19.

Nays—Messrs. Bates, Cox, Matthews, Morris, Oliver, Powers, Spangler, Saylor, Shideler, Tod, Wade, Walton and Speaker—15.

So the question was carried.

Ordered that the house be informed thereof.

On motion of Mr. Powers,

The senate took up the bill (S. No. 151) to incorporate the Cuyahoga Falls institute, and the same was amended and ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

Mr. Stokely gave notice that he would on to-morrow or some subsequent day, introduce a bill to authorize the commissioners of the counties of Jefferson, Harrison, Guernsey and Monroe to subscribe to the capital stock of any turnpike or McAdamized road company or companies, when such road or roads shall enter into, or pass through any of said counties, or either of them.

On motion of Mr. Thomas,  
The Senate then adjourned.

Attest,

C. J. M'NULTY, *Clerk.*

TUESDAY, *March 5, 1839.*

The Senate met pursuant to adjournment.

Mr. Bates presented a petition from citizens of Lucas and Wood counties, praying an amendment of the law regulating the fees of surveyors and others, in laying out roads; which was referred to the standing committee on roads and highways.

Mr. Bates presented the proceedings of a meeting of citizens of Swan creek township, Lucas county, in relation to the removal of the county seat of said county; which were laid upon the table.

Mr. Powers presented petitions from citizens of the State, praying the passage of a general banking law; which were laid upon the table.

Mr. Powers presented a petition from citizens of Akron in the county of Portage, praying an amendment to the charter of said town; which was laid upon the table.

Mr. Walton presented a memorial from H. Z. Mills and J. Huffman, clerk and deputy warden of the Ohio penitentiary, praying an increase of their salaries; which was referred to the standing committee on the penitentiary.

Mr. Cox, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled, the following bills, to wit:

An act to incorporate the town of Logan, in Hocking county;

An act to incorporate the town of Minster, in the county of Mercer;

An act to amend the act to provide for the vacation of town plats and for other purposes, passed January 29, 1828;

An act for the relief of Abner Enoch.

Mr. Birch, from the standing committee on roads and highways, to which was committed the petitions of sundry citizens of Miami and

Darke counties asking a resurvey of the state road leading from Troy in Miami county to Greenville in Darke county, and to change the location of said road, where it may be found necessary, made the following report; which was agreed, to wit:

That in the opinion of your committee it is inexpedient to grant the request of the petitioners. Your committee therefore ask to be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petitions.

Mr. Saylor, from the standing committee on railroads and turnpikes to which was recommitted the bill, (H. No. 106,) to incorporate the Wapaukonetta and Defiance turnpike road company, reported the same back with one amendment; which was agreed to, and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Holmes, from the select committee, to which was recommitted the resolution providing for printing certain extra copies of the report of the majority of the joint select committee appointed to visit and examine into the affairs of the Farmers' Bank of Canton, reported the same back with sundry amendments; which were agreed to, and the resolution as amended was agreed to.

Ordered to the House for concurrence.

Mr. Rodgers, from the select committee, to which was recommitted the bill, (S. No. 126,) to provide for the draining of Gervais' pond in the county of Scioto, reported the same back with sundry amendments; which were agreed to.

The amendments were ordered to be engrossed at the clerk's desk, and the bill was passed.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 192. A bill to incorporate the protestant evangelical church of Cleveland;

H. No. 371. An act to establish a graded state road from Lancaster to McArthurstown;

H. No. 360. An act to establish a state road in the counties of Franklin, Delaware and Marion;

H. No. 372. An act to authorize a state road in Williams county;

H. No. 369. An act to establish a state road in the counties of Darke and Mercer;

H. No. 365. An act to change the location of a state road from Palestine in Darke county to the Indiana state line;

H. No. 370. An act to authorize a review and change of the state road from Proctor's store to the town of Patriot;

H. No. 363. An act to authorize a graded state road in Morgan and Athens counties;



H. No. 362. An act to authorize a graded state road in Morgan county;

H. No. 367. An act to change part of the state road leading from Worthington to Galena;

H. No. 373. An act to vacate part of a state road in the county of Butler;

H. No. 364. An act to establish a state road in the counties of Seneca and Sandusky;

H. No. 361. An act to authorize a graded state road from Coal run post office, to intersect the graded state road from Cumberland to Sharon;

H. No. 353. An act to lay out and establish a graded state road in the counties of Tuscarawas, Carroll and Columbiana;

H. No. 358. An act amendatory of an act to incorporate the city Columbus;

H. No. 348. An act to incorporate the town of Springfield in the county of Hamilton;

H. No. 356. An act to incorporate the Meigs county high school and teachers' institute;

H. No. 375. An act for the protection of rail roads;

H. No. 350. An act to incorporate the savings society in the city of Ohio;

H. No. 377. An act for the erection of a state arsenal;

H. No. 351. An act to incorporate the Ohio insurance company;

H. No. 262. An act to incorporate the Hanover, Stillwell and Rossville turnpike road company;

H. No. 346. An act to enlarge the corporate limits of Zanesville;

H. No. 379. An act making special appropriation of part of the 3 per cent fund in Perry county;

H. No. 368. An act to vacate part of the state road from Columbus to Springfield;

H. No. 374. An act to establish a state road in the counties of Allen and Hardin;

H. No. 359. An act to amend an act to provide for the sale of the northwest quarter of section number 27, in township 19, of range 18, in Richland county.

The following bills of the Senate were read the third time and passed, to wit:

An act to incorporate the mechanics' society of Richland county;

An act to amend an act entitled, an act to incorporate the Steubenville, Cadiz and Cambridge McAdamized road company;

An act to amend an act entitled, an act to incorporate the village of Middlebury in the county of Portage, passed Feb. 27, 1838;

An act to amend an act entitled, an act to incorporate the Hamilton, Springfield and Carthage turnpike company, passed February 24, 1834;

An act to amend an act entitled, an act to incorporate the Ripley and

Hillsborough turnpike company, passed February 19, 1833, and for other purposes;

An act to incorporate the Cuyahoga Falls institute;

An act to incorporate the Norwalk hook and ladder company, Huron county;

An act to incorporate the Cincinnati silk company;

An act to authorize the commissioners of Wood and Hancock counties to subscribe to the capital stock of the Bellefontaine and Perrysburg railroad company, and to borrow money;

An act to incorporate the Belleville railroad company;

An act authorizing the city of Cincinnati to purchase and conduct the Cincinnati water works.

Ordered, that the titles be as aforesaid, and that the concurrence of the House be requested.

The following bills of the House were read the third time and passed, to wit:

An act for the relief of John Beatty, auditor of Clermont county;

An act to incorporate the St. Mary's library association in the county of Mercer;

An act to incorporate the methodist episcopal church of Johnstown, in the county of Licking;

An act to incorporate the first baptist church of Perrysburg, Wood county;

An act in addition to an act entitled, an act to amend an act to incorporate the Sandusky, Toledo and Michigan city railroad company;

An act to incorporate the congregational church of Plain in Wood county;

An act to incorporate the first presbyterian church in Hanover, in the county of Columbiana;

An act to authorize the president, recorder and trustees of the town of New Lisbon to borrow money;

An act for the relief of Caleb Imley.

Ordered that the titles be as aforesaid, and that the concurrence of the House in the amendments thereto be requested.

Mr. Holmes moved that the Senate reconsider the vote taken yesterday on the passage of the resolution to appoint commissioners to review the county seat of Williams county; upon which question, Mr. Green demanded the yeas and nays, which were ordered, and were, yeas 16, nays 12, as follows, to wit:

Yeas—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, Oliver, Stokely, Shannon, Spangler, Shideler, Tod, Utter, Wade, White and Speaker—16.

Nays—Messrs. Allen, Birch, Cox, Fuller, Green, Harlan, James, McLaughlin, Rodgers, Smith, Thomas and Vanmetre—12.

So the question was carried.

On motion of Mr. Green,

The resolution was laid on the table.

The Speaker presented a communication from his Excellency, the Governor, in answer to a resolution of the Senate of the 26th of Feb.

last, calling upon him for information in regard to the amount of land due the State of Ohio under the grant of Congress to aid in the construction of the Miami, Wabash and Erie canals.

On motion of Mr. Spangler,

The communication was laid on the table.

The Speaker also presented a report from the auditor of State, on the condition of the finances.

On motion of Mr. Spangler,

The report was laid upon the table.

A message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

A bill to incorporate the Hamilton and Middletown turnpike company;

A bill to incorporate the Worthington literati.

The following enrolled bills have been signed by the Speaker of the House, and the signature of the Speaker of the Senate is also requested, to wit:

An act to incorporate the Hancock hydraulic company;

An act for the relief of Norman C. Baldwin;

An act to incorporate the Wellsville and Cleveland McAdamized road company;

An act to authorize a graded state road from the Ohio river opposite the flats of Grave Creek to Pleasanton;

An act to incorporate the northern German Lutheran church of Cincinnati;

A resolution for the admission of James Engle into the institution for the blind;

An act to revive and amend an act entitled, an act to incorporate the Circleville and Washington turnpike company;

A resolution for the survey of a canal route from Columbus to Lake Erie;

An act to incorporate the first church of disciples in Bedford, Cuyahoga county;

An act to incorporate the methodist episcopal church of Medina;

An act to incorporate the first regular baptist church of Aurora, in the county of Portage;

An act in relation to permanent leasehold estates;

An act to incorporate the town of Washington, in the county of Guernsey;

An act to incorporate the Marion mechanics' beneficial society;

An act to amend the act entitled, an act to incorporate the town of Sidney, passed March 1, 1834;

An act to incorporate the Asbury seminary at Chagrin falls;

An act to incorporate the Clermont and Woodville graded road company.

The House has passed a resolution authorizing a survey and esti-



mate of the Gallipolis and Chillicothe turnpike road, &c.; in which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the Senate signed the enrolled bills of the House.

On motion of Mr. Spangler,

The resolution from the House was laid upon the table.

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Holmes in the chair, on the orders of the day; and after some time spent therein, the committee rose and reported back the following bills of the Senate without amendment, to wit:

No. 155. A bill to amend the act entitled, an act to incorporate the Dayton and Bellefontaine turnpike road company, passed March 9, 1838;

No. 158. A bill to amend the act entitled, an act to incorporate the first presbyterian church of Washington in the county of Fayette;

No. 159. A bill to amend an act to lay out and establish a State road in the counties of Columbiana and Carroll, passed March 4, 1837; which bills were severally ordered to be engrossed for their third reading on to-morrow, in order to their final passage.

The committee also reported Senate bill, (No. 157) to incorporate the Marengo company, with one amendment.

On motion of Mr. Tod,

The further consideration of the bill was indefinitely postponed.

The committee also reported the following bills of the House without amendment, to wit:

An act to incorporate the Martinsville Silliman's institute and library company;

An act to lay out and establish a graded State road in the counties of Stark and Portage;

An act to incorporate the Cheviot, Cleves and Elizabethtown turnpike company in the county of Hamilton;

An act for extending the Columbus and Zoar State road;

An act to incorporate the Franklin library association in the county of Mercer;

An act to amend an act entitled, an act to incorporate the town of Medina, in the county of Medina, passed March 9, 1835, and an act amendatory thereto, passed March 19, 1838;

An act to incorporate the first presbyterian church of West Carlisle, in the county of Coshocton;

An act to incorporate the St. Peter's catholic church of Bolivar in Tuscarawas county;

An act to authorize the town council of the town of Dayton to borrow money;

An act to incorporate the Chillicothe hook and ladder company;

An act to incorporate the St. Paris, Elizabethtown, Fletcher, Piqua and Covington turnpike company, which bills were severally ordered

to be read a third time on tomorrow, in order to its final passage.

The committee also reported a bill (H. No. 195,) to incorporate the town of Royalton, in Fairfield county, with sundry amendments which were agreed to, and the bill was ordered to be read a third time on tomorrow, in order to its final passage.

The committee also reported a bill (H. No. 123,) for the relief of Frederick H. Bryan, with one amendment.

On motion of Mr. Smith,

The bill was recommitted to the standing committee on canals.

On motion of Mr. Spangler,

The report and accompanying resolution of the standing committee on new counties, on the subject of the removal of the seat of justice of Lucas county, were taken up and committed to a committee of the whole Senate, and made the order of the day for this day.

Mr. Green offered the following resolution, to wit:

*Resolved by the General Assembly of the State of Ohio,* 'That William Sullivant, be and he is hereby appointed a director of the Lunatic Asylum, for the term of three years from and after the 16th day of March, 1839, to fill the vacancy occasioned by the resignation of William M. Awt; also that Marcus Brown be and he is hereby appointed a director of the said Asylum, for the term of five years from and after the 16th day of March 1839, to fill the vacancy occasioned by the expiration of the term of service of the said Marcus Brown.

On the question of its adoption, Mr. Thompson demanded the yeas and nays, which were ordered, and were, yeas 18, nays 10, as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Vanmeter, Wade, White and Speaker—18.

Nays—Messrs. Bates, Craighill, Holmes, Ihrig, Matthews, Shideler, Thompson, Tod, Utter and Walton—10.

So the question was carried.

Ordered to the House for concurrence.

Mr. Thompson offered the following resolution, to wit:

*Resolved by the Senate and House of Representatives,* That it shall be the duty of the Board of Public Works, on or before the first day of May next to settle and fix upon such rates of tolls on the several canals within this State, which have been completed and are now in operation, or any part of which have been in operation for seven years as aforesaid, as will make the nett revenue arising therefrom, equal to six per cent. on the cost of construction.

On motion of Mr. Spangler,

The resolution was recommitted to the standing committee on finance.

Mr. Green offered the following resolution, which was agreed to, to wit:

*Resolved by the General Assembly of the State of Ohio,* That James Hoge be and he is hereby appointed a trustee of the Ohio Institution for the instruction of the Blind, for the term of two years from and after the third day of April, 1839, to fill the vacancy occasioned by the

expiration of his present term of service; also that Noah H. Swayne be and he is hereby appointed a trustee of the Ohio Institution for the instruction of the Blind, for the term of three years from and after the third day of April, 1839, to fill the vacancy occasioned by the expiration of his present term of service.

Ordered to the House for concurrence.

On motion of Mr. White,

The resolution of the House providing for running and permanently establishing the line between Adams and Scioto counties, was taken up and referred to the standing committee on new counties.

On motion of Mr. Saylor,

The Senate resolved itself into a committee of the whole, Mr. Fuller in the chair, on the orders of the day, and after some time spent therein the committee rose and reported back the following bills of the Senate without amendment, to wit:

No. 164. A bill to authorize the commissioners of the county of Hamilton to borrow money;

No. 165. A bill to repeal the 13th section of an act to incorporate the town of Piketon, in Pike county, passed February 10, 1838;

No. 166. A bill to authorize the corporate authorities of the town of Wooster to borrow money for school purposes;

No. 167. A bill to amend the act entitled an act to incorporate the Vermillion and Birmingham railroad company; which bills were severally ordered to be engrossed for their third reading on to-morrow, in order to their final passage.

The committee also reported senate bills,

No. 161. To amend the act entitled an act prescribing the duties of county auditors; and,

No. 162. To amend an act entitled an act to tax banks, insurance and bridge companies, passed March 12, 1831, without amendment; which bills were severally recommitted to the standing committee on finance.

The committee also reported the following bills of the house without amendment, to wit:

No. 201. An act to authorize and encourage the establishment of agricultural societies in the several counties of this State and regulate the same;

No. 218. An act to authorize and empower the mayor and town council of the town of Felicity, in the county of Clermont, to change the corporate limits of said town into a road district;

No. 219. An act to incorporate the Union turnpike road company;

No. 222. An act appointing commissioners for the state road leading from Painsville, in the county of Geauga, to Bloomfield, in the county of Trumbull; which bills were severally ordered to be read a third time on to-morrow, in order to their final passage.

The committee also reported bill S. No. 168, authorizing the court of common pleas of Licking county to appoint a trustee for Mount Zion chapel, in the town of Newark, without amendment; the bill



was amended and ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

The committee also reported house bill (No. 221) to punish certain offences therein named, without amendment.

On motion of Mr. Walton,

The bill was recommitted to the standing committee on the judiciary.

The Speaker presented the following communication from his Excellency the Governor, to wit:

EXECUTIVE OFFICE, OHIO,  
Columbus, March 5, 1839.

*To the General Assembly of Ohio:*

GENTLEMEN:—A vacancy has occurred in the office of associate judge of the court of common pleas for Union county, by the resignation of James Hill.

I am, with great respect,

Your obedient servant,

WILSON SHANNON.

On motion of Mr. Spangler,

The communication was laid upon the table.

On motion of Mr. Spangler,

The senate resolved itself into a committee of the whole, Mr. Thomas in the chair, on the orders of the day, and when the committee rose, the following bills of the house were reported back without amendment, to wit:

No. 228. An act to authorize the commissioners of Highland county to subscribe stock to the Ripley and Hillsborough turnpike road, and all other turnpike roads within said county, and to borrow money for the same;

No. 227. An act to incorporate the associate reformed congregation of Martinsburg, in Knox county;

No. 122. An act to incorporate the Worthington female seminary;

No. 198. An act to incorporate a certain forty acre tract of land in Tiverton township, Coshocton county, Ohio, including the town of Rochester;

No. 161. An act to incorporate the Portsmouth dry dock and steam boat basin company; which bills were severally ordered to be read a third time on to-morrow, in order to their final passage.

The committee also reported house bill (No. 226) to provide for the more effectual punishment of certain offences in the county of Montgomery, without amendment.

On motion of Mr. Smith,

The bill was referred to the standing committee on the judiciary.

The committee also reported senate bill (No. 163) to attach a part

of the county of Brown to the county of Clermont, without amendment.

On motion of Mr. Utter,

The bill was postponed until the first Monday in December next.

The committee also reported senate bill (No. 169) to prohibit the sale of intoxicating liquors to laborers employed on the Wabash and Erie canal, without amendment.

On motion of Mr. Tod,

The bill was recommitted to the standing committee on the judiciary,

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the house and read the first time, to wit:

A bill authorizing the extension of the Miami canal feeder;

A bill to incorporate the Lancaster military hall association;

A bill to incorporate the northwestern turnpike road company.

The house has agreed to the amendments of the senate to the following bills of the house, to wit:

A bill to regulate incorporated literary societies.

The house insists upon its amendments to the bill of the senate to lay out a state road in the counties of Richland and Holmes.

The house has passed a resolution in relation to the southern termination of the Ohio canal, to which the concurrence of the senate is requested.

The Speaker of the house has signed the following enrolled bills to which the signature of the Speaker of the senate is requested, to wit:

An act to incorporate the town of Minster, in the county of Mercer;

An act to abolish the board of canal commissioners and to revive the board of public works;

An act to amend the act to provide for the vacation of town plats and for other purposes, passed January 29th, 1828;

An act for the relief of Abner Enoch;

An act to incorporate the town of Logan, in Hocking county.

Attest: W. H. BLODGET, Clerk.

Thereupon,

The Speaker of the senate signed the enrolled bills from the house.

The resolution from the house was referred to the standing committee on canals.

On motion of Mr. McLaughlin,

The senate adhered to their disagreement to the amendments of the house to the bill of the senate.

Ordered that the House be informed thereof.

On motion of Mr. Vanmeter,

The special report of the canal commissioners in relation to the

southern termination of the Ohio canal, was taken up and referred to the standing committee on canals.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested:

A bill providing for the levying of a school tax in Oxford township, Butler county;

A bill to incorporate the second presbyterian society of Columbus;

A bill to incorporate the New Hagerstown female seminary;

A bill to incorporate the Wood county turnpike and draining company;

A bill for the disposition of unclaimed costs.

The house has passed the following bills of the senate, with some amendments, to which the concurrence of the senate is requested, to wit:

A bill to incorporate the Coshocton and Cambridge turnpike road company;

A bill to repeal the law incorporating the town of Florence, in Huron county;

A bill to incorporate the Marietta and Harmar bridge company;

Also, the following bills of the senate, without amendment, to wit:

A bill to amend the act, passed the 11th March, 1838, entitled an act to establish a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, in Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county;

A bill to incorporate the second presbyterian church of Steubenville, in the county of Jefferson;

A bill to incorporate the Wilmington, Port William, Jamestown and South Charleston turnpike road company;

A bill to incorporate the Barnesville male academy, in the county of Belmont, with one amendment by way of rider, to which the concurrence of the senate is requested.

A bill to provide for the sale of section sixteen in Falls township, in the county of Hocking.

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to incorporate the Oberlin mechanics' steam engine company;

A bill relating to the stockholders of the Manhattan Bank, at Manhattan, Ohio;

A bill to incorporate the town of Alexandria, in the county of Licking.

Attest, W. H. BLODGET, Clerk.

The bills from the house were read the first time.

The amendments of the house to the bills of the senate were agreed to.

Ordered that the House be informed thereof.



On motion of Mr. Green,

The bill to incorporate the literary and botanico medical college of Ohio was taken up.

Mr. Green moved that the senate disagree to the amendments made thereto by the house; which was agreed to.

Ordered that the house be informed thereof.

On motion of Mr. Tod,

The bill (H. No. 59) allowing juries before justices of the peace was taken up.

Mr. Green moved that the further consideration of the bill be indefinitely postponed; upon which question the yeas and nays were demanded, which were ordered, and were, yeas 19, nays 13, as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, Ihrig, James, McLaughlin, Oliver, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Thomas, Vanmeter, White and Speaker—19.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Matthews, Morris, Powers, Stokely, Thompson, Tod, Utter, Wade and Walton, —13.

So the question was carried.

Ordered that the House be informed thereof.

On motion of Mr. Rodgers,

The senate took up the resolution from the house authorizing the canal commissioners to survey, locate and estimate the Fairhaven, Rutland and Athens turnpike road, and the same was amended.

Mr. Spangler moved that the farther consideration of the resolution be postponed until the first Monday in December next; on which question he demanded the yeas and nays, which were ordered, and were, yeas 17, nays 14, as follows:

Yeas—Messrs. Bates, Cox, Craighill, Fuller, Holmes, Ihrig, James, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Utter, Wade, Walton and Speaker—17.

Nays—Messrs. Allen, Birch, Green, Harlan, Matthews, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Vanmeter, and White—14.

So the question was carried.

Ordered that the house be informed thereof.

On motion of Mr. Morris,

The senate again resolved itself into a committee of the whole, Mr. Walton in the chair, on the orders of the day; and after some time spent therein, the committee rose and reported back the following bills:

H. No. 232. A bill to incorporate the Findley railroad company, with amendments.

On motion of Mr. Tod,

The bill and amendments were recommitted to the standing committee on railroads and turnpikes.

H. No. 236. An act to authorize the county surveyors in certain

cases to survey lands and town lots without the county, with one amendment.

On motion of Mr. Spangler,

The bill and amendment were laid upon the table.

H. No. 252. An act to amend the act entitled, an act regulating the fees of county auditors, passed March 19, 1838, without amendment.

On motion of Mr. Spangler,

The further consideration of the bill was indefinitely postponed.

Ordered that the house be informed thereof.

H. No. 246. An act to make a special appropriation of a part of the three per cent fund in the county of Belmont, without amendment, and the bill was ordered to be read a third time on to-morrow. in order to its final passage.

On motion of Mr. Matthews,

Mr. McLaughlin was appointed a member of the standing committee on canals.

Mr. Stokely gave notice that he would on to-morrow, or some subsequent day, introduce a bill to amend the act entitled, an act to incorporate the theological seminary of the protestant episcopal church in the diocese of Ohio.

Mr. Stokely, pursuant to previous notice, asked and obtained leave, and introduced a bill to authorize the county commissioners of Jefferson, Harrison, Guernsey and Monroe counties, to subscribe to the capital stock of turnpike and McAdamized road companies in certain cases; which was read the first time.

On motion of Mr. Holmes,

The Senate adjourned.

Attest:

C. J. McNULTY, *Clerk.*

WEDNESDAY, *March 6, 1839.*

The Senate met pursuant to adjournment.

Mr. Powers asked and obtained leave of absence for the remainder of the session, assigning as the reason for the request, ill health.

Mr. Saylor, from the standing committee on railroads and turnpikes, to which was committed the bill (H. No. 232) to incorporate the Findley railroad company, reported the same back without amendment; and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Cox, from the joint committee on enrollment, reported that they had examined and found duly enrolled the following bills:

An act for the relief of John Wolfe;

An act to regulate incorporated literary societies.

Mr. Utter, from the standing committee on claims, to which was re-committed the bill (H. No. 168) for the relief of F. A. Abbot, reported the same back with one amendment; and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Utter, from the standing committee on claims, to which was re-committed the bill (H. No. 269) for the relief of Morris Seely, reported the same back without amendment.

On motion of Mr. Smith,

The bill was committed to a committee of the whole senate, and made the order of the day for this day.

Mr. Spangler, from the standing committee on finance, to which was referred the petition of J. B. Jewett, of Hamilton county, praying the repeal of the law taxing physicians, reported adversely upon the same, and recommended that the petitioner have leave to withdraw his petition; which was agreed to.

Mr. Spangler, from the standing committee on finance, to which was referred the resolution making it the duty of the board of public works to increase the tolls on some of the public works, reported the same back without amendment, and recommended that its further consideration be indefinitely postponed; upon which question,

Mr. Thompson demanded the yeas and nays, which were ordered, and were, yeas 21, nays 11, as follows:

Yeas—Messrs. Bates, Birch, Cox, Fuller, Green, Harlan, Hostetter, James, Morris, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Tod, Thomas, Vanmetre and White—21.

Nays—Messrs. Allen, Craighill, Holmes, Ihrig, Matthews, McLaughlin, Stadden, Thompson, Utter, Walton and Speaker—11.

So the question was carried.

Mr. Fuller, from the standing committee on schools and school lands, to which was recommitted the bill (H. No. 180) for the support and better regulation of the public schools in the town of Zanesville, reported the same back without amendment, and recommended that the pending amendment, (striking out the first section) made by the committee of the whole, be disagreed to.

Mr. Spangler moved that the further consideration of the bill be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 12, nays 19, as follows:

Yeas—Messrs. Allen, Bates, Holmes, Hostetter, Ihrig, McLaughlin, Oliver, Spangler, Shideler, Stadden, Thompson and Utter—12.

Nays—Messrs. Birch, Cox, Craighill, Fuller, Green, Harlan, James, Matthews, Morris, Rodgers, Smith, Stokely, Saylor, Tod, Thomas, Vanmetre, Walton, White and Speaker—19.

So the question was lost.

The amendment was then disagreed to, and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Birch, from the standing committee on roads and highways, to which was recommitted the bill (H. No. 240) to lay out and establish a state road in the counties of Pickaway and Franklin, reported the same back without amendment.

On motion of Mr. Birch,

The bill was committed to the committee of the whole Senate, and made the order of the day for this day.



Mr. Tod, from the standing committee on the currency, to which so much of the Governor's message, as relates to that subject, was referred, made the following report:

(See Appendix, V. p. 72.)

On motion of Mr. Tod,

The report was laid upon the table.

Mr. Tod, on leave, presented a petition from citizens of Trumbull county, praying the incorporation of a steam grist mill company; which was referred to the standing committee on the judiciary.

Mr. Stokely, on leave, presented a petition from citizens of Harrison county, praying the incorporation of a religious society; which was referred to Mr. Stokely.

Mr. James, from the standing committee on finance, to which was recommitted the bill (S. No. 161) to amend the act entitled, an act prescribing the duties of county auditors, reported the same back with one amendment; which was agreed to, and the bill was ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

Mr. White, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled the following acts, to wit:

An act to lay out and establish a state road in the counties of Stark and Portage;

An act to incorporate the wardens and vestry of St. Andrew's church in Elyria, Lorain county;

An act to change the name of the town of Columbia, in the county of Putnam, to that of Pendleton;

An act to authorize the county commissioners of the counties of Madison, Clark and Green, to subscribe to the capital stock of any turnpike road company or turnpike road companies, where such road or roads shall enter into, or pass through any of the said counties, or either of them;

An act to incorporate the Dayton silk company;

An act to incorporate the Nelsonville toll bridge company in the county of Athens;

An act to extend the corporate limits of Columbus;

An act to abolish the board of canal commissioners, and to revive the board of public works.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 195. A bill to authorize the county commissioners of Jefferson, Harrison, Guernsey and Monroe, to subscribe to the capital stock of turnpikes and McAdamized road companies in certain cases;

H. No. 231. An act for the disposition of unclaimed costs;

H. No. 386. A bill providing for the levying of a school tax in Oxford township, Butler county;

H. No. 387. A bill to incorporate the town of Alexandria in Licking county;

H. No. 357. A bill to incorporate the Oberlin mechanics' steam engine company;

H. No. 384. A bill to incorporate the second presbyterian society of Columbus;

H. No. 383. A bill to incorporate the New Hagerstown female seminary;

H. No. 388. A bill to incorporate the Wood county turnpike and draining company;

The following bill was read the second time, and,

On motion of Mr. Tod,

Recommitted to the standing committee on finance.

H. No. 438. A bill relating to the stockholders of the Manhattan Bank at Manhattan, Ohio.

The following bills of the Senate were read the third time and passed, to wit:

An act to incorporate the Portsmouth dry dock and steam boat basin company;

Upon the passage of this bill, Mr. Stadden demanded the yeas and nays; which were ordered, and were, yeas 22, nays 4; as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Fuller, Green, Harlan, Hostetter, Matthews, McLaughlin, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Utter, Vanneter, White and Speaker—22.

Nays—Messrs. Ihrig, Tod, Thomas, and Walton—4.

So the question was decided in the affirmative.

An act to incorporate the Worthington female seminary;

An act to incorporate the Union turnpike road company,

An act to incorporate the St. Paris, Elizabethtown, Fletcher, Piqua and Covington turnpike company;

An act to make a special appropriation of the three per cent fund in the county of Belmont;

An act to incorporate the Chillicothe hook and ladder company;

An act for extending the Columbus and Zoar state road;

An act to incorporate the Martinsville silliman institute and library company;

An act appointing commissioners for the state road leading from Painesville in the county of Geauga, to Bloomfield, in the county of Trumbull;

An act to incorporate the associate reformed congregation of Martinsburg in Knox county;

An act to authorize the commissioners of Highland county to subscribe stock to the Ripley and Hillsborough turnpike road, and all

other turnpike roads in said county, and to borrow money for the same;

An act to incorporate the St. Peter's Catholic church of Bolivar in Tuscarawas county;

An act to lay out and establish a graded state road in the counties of Stark and Portage;

An act to incorporate the Franklin library association in the county of Mercer;

An act to incorporate the Wapaukonnetta and Defiance turnpike road company;

An act to incorporate the town of Rochester in Coshocton county, Ohio;

An act to incorporate the town of Royalton in Fairfield county;

An act to authorize and encourage the establishment of agricultural societies in the several counties of this state and regulate the same.

An act to amend an act entitled, an act to incorporate the town of Medina in the county of Medina, passed March 9, 1835; and an act amendatory thereto, passed March 19, 1838;

An act to incorporate the Cheviot, Cleves and Elizabethtown turnpike company in the county of Hamilton;

Ordered, that the titles be as aforesaid, and that the concurrence of the House in the amendments thereto be requested.

The following bills of the Senate were severally read the third time and passed, to wit:

An act to amend the act entitled, an act to incorporate the Vermilion and Birmingham railroad company.

An act to repeal the 13th section of an act to incorporate the town of Piketon in Pike county, passed 10th Feb. 1838;

An act to authorize the commissioners of the county of Hamilton to borrow money;

An act to authorize the corporate authorities of the town of Wooster to borrow money for school purposes;

An act to amend an act to lay out and establish a state road in the counties of Columbiana and Carroll, passed March 4, 1837;

An act to amend the act entitled an act to incorporate the first presbyterian church of Washington in the county of Fayette;

An act to amend the act entitled an act to incorporate the Dayton and Bellefontaine turnpike road company, passed March 9, 1838;

Ordered that the titles be as aforesaid, and that the concurrence of the house be requested.

The following bill of the house was also read the third time, to wit:

An act to authorize and empower the mayor and town council of the town of Felicity in the county of Clermont to change the corporate limits of said town into a road district.

On motion of Mr. Holmes,

The further consideration of the bill was postponed until the first Monday in December;

Ordered that the house be informed thereof.



The following bill of the senate was also read the third time, to wit:

A bill authorizing the court of common pleas of Licking county to appoint a trustee for Mount Zion chapel in the town of Newark:

On motion of Mr. Stadden,

The bill was laid upon the table.

On motion of Mr. Spangler,

The senate resolved itself into a committee of the whole, Mr. Smith in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported back the following bills of the senate without amendment:

No. 170. A bill to amend the act entitled, an act to incorporate the Hanging Rock and Lawrence furnace railroad company, passed March 9, 1836;

No. 173. A bill to incorporate the associate reformed church of Knoxville, in the county of Jefferson;

No. 174. A bill to amend an act of incorporation of the first presbyterian or congregational church and society of Granville in Licking county;

No. 175. A bill to incorporate the presbyterian church of Malaga in the county of Monroe, under the care and government of the general assembly of the presbyterian church in the United States; which bills were severally ordered to be engrossed for their third reading on to-morrow in order to their final passage.

The committee also reported senate bill, (No. 177,) providing for the enlargement of the lock at the mouth of Symms' creek on the Muskingum river, with one amendment, which was agreed to, and on the question of ordering the bill to be engrossed for its third reading, Mr. Matthews demanded the yeas and nays; which were ordered, and were, yeas 21, nays 10; as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Craighill, Fuller, Green, Holmes, Hostetter, Ibrig, Matthews, McLaughlin, Rodgers, Smith, Shannon, Saylor, Shideler, Tod, Vanmeter, Walton, White, and Speaker—21.

Nays—Messrs. Bates, Harlan, Morris, Oliver, Stokely, Spangler, Stadden, Thompson, Thomas, and Wade—10.

So the question was carried.

The committee also reported the following bills of the house without amendment, to wit:

No. 256. An act to amend the act to incorporate the Fairhaven, Rutland and Athens turnpike company;

No. 249. An act to incorporate the universalist institute of Ohio city;

No. 239. An act to incorporate the Parkman academy in the county of Geauga;

No. 258. An act to incorporate the Philomathean society of the Ohio university in the town of Athens;

No. 266. An act to incorporate the Dayton mechanics' institute;

No. 260. An act to appoint a road commissioner;

No. 267. An act to incorporate St. Mary's church in Marietta in the county of Washington;

No. 265. An act to incorporate the Elizabethtown circulating library society, in the county of Licking;

No. 238. An act to incorporate the first congregational society of Troy, in the county of Geauga;

No. 214. An act to repeal an act to provide for the erection of the townships of Sulpher-Spring, Pleasant and Adams, in the county of Seneca;

No. 243. An act to incorporate the trustees of the first methodist episcopal church of Columbus, in the county of Franklin;

No. 268. An act to incorporate the first presbyterian church of Bronson township, in the county of Huron;

No. 259. An act to incorporate the union class of the church of the united brethren in Christ Jesus, in Rush creek township, Fairfield county; which bills were severally ordered to be read a third time on to-morrow, in order to their final passage.

The committee also reported house bill (No. 261) to authorize a graded state road in the counties of Monroe and Morgan, without amendment.

On motion of Mr. Walton,

The further consideration of the bill was postponed until the first Monday in December next.

Ordered that the house be informed thereof.

The committee also reported house bill (No. 170) to amend an act passed March 9, 1831, entitled an act for the inspection of certain articles therein named, without amendment.

On motion of Mr. Harlan,

The bill was referred to the standing committee on agriculture, commerce and manufactures.

On motion of Mr. Holmes,

The senate again resolved itself into a committee of the whole. Mr. Thompson in the chair, on the bill (S. No. 178) to authorize the taxing of dogs, and the same was reported back with one amendment.

Mr. Walton moved that the further consideration of the bill be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 13, nays 14; as follows, to wit:

Yeas—Messrs. Bates, Buch, Craighill, Green, Harlan, Hostetter, Ihrig, Matthews, Smith, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Utter, Walton and Speaker—13.

Nays—Messrs. Allen, Cox, Fuller, Holmes, James, McLaughlin, Morris, Oliver, Stokely, Stadden, Thomas, Vanmeter, Wade and White—14.

So the question was carried.

On motion of Mr. Spangler,

The senate again resolved itself into a committee of the whole, Mr. Morris in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported back the following bills without amendment, to wit:

**S. No. 180.** A bill to authorize the Bank of Norwalk to establish a branch of the same in the town of Huron, Huron county.

Mr. Spangler moved that the further consideration of the bill be indefinitely postponed; upon which question he demanded the yeas and nays, which were ordered, and were, yeas 27, nays 6; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Cox, Craighill, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Thomas, Thompson, Utter, Wade, Walton, White and Speaker—27.

Nays—Messrs. Fuller, Green, Harlan, Rodgers, Tracy, and Smith—6.

So the question was carried.

**H. No. 263.** A bill to incorporate the Milan and Elyria turnpike company; which was ordered to be read a third time on to-morrow, in order to its final passage;

**H. No. 271.** An act to divorce Eliza Stone from her husband Clayborn Stone.

On motion of Mr. Ihrig,

The bill was recommitted to the standing committee on the judiciary.

**H. No. 272.** An act to incorporate the Claridon draining company, in the county of Geauga.

On motion of Mr. Tod,

The bill was recommitted to the standing committee on the judiciary.

**S. No. 179.** A bill to amend an act entitled an act to incorporate the town of Albion, in the county of Cuyahoga, passed March 8, 1836, which was ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

On motion of Mr. Ihrig,

The bill (H. No. 183) to divorce Mary Earle from her husband Robert Earle, was taken up, and the further consideration thereof was postponed until the first Monday in December next.

Ordered, that the House be informed thereof

Mr. White, from the joint committee on enrollment, reported that they had examined and found duly enrolled, the following acts, to wit: An act to incorporate the congregational church of Plain, in Wood county;

An act to incorporate the first presbyterian church in Hanover, in the county of Columbiana;

An act in addition to an act entitled an act to amend an act to incorporate the Sandusky, Toledo and Michigan city railroad company;

An act for the relief of John Beaty, auditor of Clermont county;

An act to incorporate the St. Marys' library association, in the county of Mercer;

An act to incorporate the methodist episcopal church of Johnstown, in the county of Licking;



An act to incorporate the first baptist church of Perrysburg, Wood county;

An act to authorize the president, recorder and trustees of the town of New Lisbon to borrow money.

A message from the House of Representatives.

Mr. Speaker:

The bill of the house for the relief of Caleb Imlay, with the amendments proposed by the senate, have been sent to the house; the said amendments not being attested.

The house adheres to the amendments of the house to the bill of the senate No. 32, to lay out and establish a graded state road in the counties of Richland and Holmes.

The house has agreed to the resolution of the senate providing for printing sundry copies of the report of the select committee appointed to investigate the Farmers' Bank of Canton, with one amendment, to which the concurrence of the senate is requested.

The house has agreed to the amendments of the senate to the resolution of the house providing for the adjournment of this General Assembly *sine die*, with one amendment, to which the concurrence of the senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Stokely,

The clerk was directed to attest the amendments of the senate to the bill of the house.

The amendments of the house to the resolution of the senate were agreed to.

The amendments of the house to the amendment of the senate to the resolution of the house were agreed to.

Ordered that the house be informed thereof.

Mr. Stokely, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the parish of St. Albion's church; which was read the first time.

Mr. Stokely, from the select committee on that subject, reported a bill further supplementary to the act entitled an act to incorporate the theological seminary of the protestant episcopal church in the diocese of Ohio; which was read the first time.

On motion of Mr. Holmes,

The Senate then adjourned.

Attest,

C. J. M'NULTY, *Clerk.*

---

THURSDAY, March 7, 1839.

The Senate met pursuant to adjournment.

Mr. Wade, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 272) to incorporate the Claridon

draining company, in the county of Geauga, reported the same back without amendment.

The question being on ordering the bill to be read a third time,

Mr. Tod demanded the yeas and nays, which were ordered, and were, yeas 19, nays 8, as follows:

Yeas—Messrs. Allen, Birch, Cox, Fuller, Green, Hostetter, James, McLaughlin, Morris, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Tracy, Vanmetre, Wade, and Speaker—19.

Nays—Messrs. Bates, Craighill, Holmes, Ihrig, Matthews, Thompson, Tod, and Utter—8.

So the question was carried, and the bill was ordered to be read a third time on to-morrow.

Mr. Wade, from the standing committee on the judiciary, made the following report; which was agreed to:

The standing committee on the judiciary, to whom was referred the petitions of sundry citizens of Portage county, praying the passage of a law securing to mechanics a lien on buildings or other articles on which they have bestowed their labor, for security, &c., have had the same under consideration, and report:

That this subject has frequently been before the legislature, and at the last session a report was made unfavorable to the prayer of the petitioners, in which report your committee concur. They therefore move the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petitions.

Mr. Wade, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 184) for the relief of James A. Wilkinson, reported the same back without amendment, and recommended the indefinite postponement of the same; which was agreed to.

Ordered that the House be informed thereof.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 322) amendatory of an act entitled, an act for the punishment of certain offences, passed March 3, 1831, reported the same back without amendment, and recommended that the same be indefinitely postponed; which was agreed to.

Ordered that the house be informed thereof.

Mr. Smith, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 271) to divorce Eliza Stone from her husband, Clayborne Stone, reported the same back without amendment, and recommended that it be indefinitely postponed; which was agreed to.

Ordered that the house be informed thereof.

Mr. McLaughlin, from the standing committee on canals, to which was recommitted the bill (H. No. 255) to amend the act to provide for clearing certain ponds in the county of Butler, passed March 2, 1838, reported the same back without amendment.

**On motion of Mr. Saylor,**

The bill was committed to a committee of the whole Senate, and made the order of the day for this day.

Mr. Bates, from the standing committee on public lands, to which was recommitted the bill (H. No. 99) to extend the time of making payment by the purchasers of the lands of the salt reservation, in the county of Jackson, reported the same back without amendment, and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Ihrig, from the standing committee on roads and highways, made the following report; which was agreed to:

The standing committee on roads and highways, to which was referred a resolution instructing the aforesaid committee to inquire if any, and what amendments are necessary to be made to the law regulating the manner of laying out, altering, and vacating county roads; and also on a pending amendment to have the law so amended, that at the annual township elections, that each elector shall vote for one supervisor only; and also a letter on that subject, had the same under consideration, and now report:

Your committee offer for adoption the following resolution:

*Resolved*, That the resolution, with the pending amendment, and letter, be postponed until the first Monday of December next.

Mr. Spangler, from the standing committee on finance, to which was recommitted the bill (H. No. 438) relating to the stockholders of the Manhattan Bank, at Manhattan, Ohio, reported the same back with the following amendment:

Strike out second section and insert the following:

Sec. 2. The said corporation shall not take a greater rate of interest than six per cent per annum in advance on their loans and discounts, computed according to Roulet's tables; and so much of the 18th section of the charter of said bank, as fixes the rate of interest at seven per cent, is hereby repealed: and the right to alter and amend this act, and the act by which said corporation was created, after the year 1842, is hereby reserved.

Sec. 3. The said corporation shall within three months after the passage of this act, notify to the auditor of state, their acceptance of this act, with the consent of the stockholders owning a majority of the stock, duly certified under the seal of the corporation, by the president and cashier thereof.

Mr. Tod moved to amend the amendment, by striking out of the 8th line of sec. 2, these words, "after the year 1842;" upon which question,

Mr. Utter demanded the yeas and nays, which were ordered, and were, yeas 21, nays 10, as follows:

Yeas—Messrs. Allen, Bates, Cox, Harlan, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Oliver, Rodgers, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Walton and Speaker—21.



Nays—Messrs. Birch, Craighill, Fuller, Green, James, Morris, Smith, Shannon, Vanmetre, and Wade—10.

So the question was carried.

The amendment as amended was then agreed to, and ordered to be engrossed at the clerk's desk.

The question then recurring on ordering the bill to be read a third time,

Mr. Ihrig demanded the yeas and nays, which were ordered, and were; yeas 21, nays 10, as follows:

Yeas—Messrs. Allen, Bates, Birch, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, James, Matthews, Oliver, Rodgers, Smith, Shannon, Spangler, Shideler, Stadden, Tracy and Speaker—21.

Nays—Messrs. Ihrig, McLaughlin, Morris, Saylor, Thompson, Tod, Uter, Vanmetre, Wade and Walton—10.

So the question was carried, and the bill was ordered to be read a third time on to-morrow.

Mr. Oliver, from the standing committee on agriculture, commerce and manufactures, to which was recommitted the bill (H. No. 170) to amend an act passed March 9, 1831, entitled, an act for the inspection of certain articles therein named, reported the same back without amendment, and with the recommendation from a majority of said committee, that it be indefinitely postponed.

On motion of Mr. Harlan,

The bill was laid upon the table.

Mr. Tod, from the standing committee on the judiciary, to which was recommitted the bill (S. No. 169) to prohibit the sale of intoxicating liquors to laborers employed on the Wabash and Erie canal, reported the same back without amendment, and recommended that it be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 20, nays 10, as follows:

Yeas—Messrs. Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, James, Rodgers, Smith, Shannon, Spangler, Saylor, Tod, Tracy, Uter, Vanmetre, Wade, Walton and Speaker—20.

Nays—Messrs. Allen, Bates, Birch, Cox, Matthews, McLaughlin, Oliver, Shideler, Stadden, and Thompson—10.

So the question was carried.

Mr. Tod, from the standing committee on the judiciary, reported a bill to incorporate the Trumbull steam manufacturing company; which was read the first time.

Mr. Cox, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled the following bills, to wit:

An act to incorporate the Huron and Mt. Vernon turnpike or McAdamized road company;

An act to lay out and establish a state road in the counties of Delaware, Union and Franklin;

An act to incorporate the Huron county silk company;

An act to incorporate the first congregational church and society of the township of Huntington, in the county of Lorain;

An act to incorporate the grace church of Maumee city;

An act to incorporate the second presbyterian church of Steubenville, in the county of Jefferson;

An act to incorporate the wardens and vestry of Christ's church in Huron, county of Huron;

An act to incorporate the Salem township baptist church, in Muskingum county;

An act to incorporate the Alexandersville and Bellbrook turnpike road company.

Mr. Matthews, from the standing committee on canals, to which was recommitteed the bill (S. No. 57) for the relief of Ethan Stone, and the amendment of the house thereto, reported the same back with the recommendation that the senate disagree to the amendment of the house; which was agreed to.

Ordered that the house be informed thereof.

Mr. Allen, from the standing committee on new counties, to which was referred the resolution of the house, providing for running and permanently establishing the line between Adams and Scioto counties, reported the same back without amendment, and recommended that it be referred to the standing committee on the judiciary; which was agreed to.

Mr. Matthews, from the standing committee on canals, to which was referred petitions for the construction of the Mohican canal, asked to be discharged from the further consideration thereof, and recommended that the same be postponed until the first Monday in December next; which was agreed to.

Mr. Shideler, from the select committee to which was recommitteed the bill (H. No. 211,) to authorize the town council of the town of Dayton to borrow money, reported the same back with sundry amendments; which were agreed to, and ordered to be engrossed at the clerk's desk, and the bill was passed.

Ordered, that the titles be as aforesaid, and that the House be informed thereof.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 194. A bill to incorporate the parish of Saint Alban's church;

S. No. 195. A bill further supplementary to the act entitled, an act to incorporate the Theological seminary of the protestant episcopal church in the diocese of Ohio.

The following bills of the Senate were read a third time and passed, to wit:

An act to amend an act of incorporation of the the first presbyterian or congregational church and society of Granville in Licking county;

An act to amend an act entuled an act to incorporate the town of Albion in the county of Cuyahoga, passed March 8, 1836;

An act to amend the act entitled an act to incorporate the Hanging Rock and Lawrence furnace railroad company, passed March 9, 1836;

An act to incorporate the associate reformed church of Knoxville in the county of Jefferson;

An act to incorporate the presbyterian church of Malaga in the county of Monroe; under the care and government of the general assembly of the presbyterian church in the United States;

An act providing for the enlargement of the lock at the mouth of Symms' creek on the Muskingum river;

An act to amend the act entitled an act prescribing the duties of county auditors.

Ordered that the titles be as aforesaid, and that the concurrence of the House be requested.

The following bills from the House were read the third time and passed, to wit:

An act to incorporate the Parkman academy in the county of Geauga;

An act to incorporate the universalist institute of Ohio city;

Upon the passage of this bill, Mr. Fuller demanded the yeas and nays, which were ordered, and were, yeas 24, nays 5; as follows, to wit:

Yeas—Messrs. Birch, Cox, Craighill, Fuller, Harlan, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Tracy, Vanmeter, Wade and Speaker—24.

Nays—Messrs. Allen, Bates, Thompson, Utter, and Walton—5.

So the question was carried.

An act to incorporate the Philomathean society of the Ohio university in the town of Athens;

An act for the relief of Frederick A. Abbott;

An act to incorporate the Findley railroad company;

An act to incorporate the Elizabethtown circulating library society in the county of Licking;

An act to incorporate the trustees of the first methodist episcopal church of Columbus in the county of Franklin;

An act to incorporate the union class of the church of the united brethren in Christ Jesus, in Rush creek township, Fairfield county;

An act to incorporate the Dayton mechanics' institute;

An act to repeal an act to provide for the erection of the townships of Sulphur-Spring, Pleasant and Adams, in the county of Seneca;

An act to incorporate the first congregational society of Troy in the county of Geauga;

An act to amend the act to incorporate the Fairhaven, Rutland and Athens turnpike company;

An act to appoint a road commissioner;

An act to incorporate the first presbyterian church of Brown township, in the county of Huron;

An act for the support and better regulation of the public schools in the town of Zanesville;

An act to incorporate St. Mary's church in Marietta in the county of Washington;



An act to incorporate the first presbyterian church of West Carlisle, in the county of Coshocton.

Ordered that the titles be as aforesaid, and that the concurrence of the House in the amendments thereto, be requested.

The following bill of the house was read the third time, to wit:

An act to incorporate the Milan and Elyria turnpike company.

On motion of Mr. Tracy,

The bill was recommitted to Mr. Tracy.

A message from the House of Representatives.

Mr. Speaker:

The house has passed a resolution providing for the election of sundry officers on the 9th inst. in which the concurrence of the Senate is requested.

The house has receded from its amendments to the bill of the Senate (No. 64) to incorporate the directors of the literary and botanico medical college of the State of Ohio.

Attest,

W. H. BLODGET, *Clerk.*

The resolution from the house was amended and agreed to.

Ordered, that the House be informed thereof, and that their concurrence be requested.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills to which the concurrence of the Senate is requested, to wit:

A bill to incorporate the town of Bucyrus in the county of Crawford;

A bill to incorporate the Granville fire company in the county of Licking;

A bill to amend an act entitled an act to incorporate the Vermillion and Ashland railroad company, passed March 23, 1837;

A bill to incorporate the Auglaize seminary;

A bill to amend an act to incorporate the Hamilton, Rossville, Darrtown, Oxford and Fairhaven turnpike company;

A bill to incorporate the Sidney, Carysville and Millerstown road company;

A bill to punish betting on elections;

A bill to amend the act entitled, an act to provide for the incorporation of townships.

The House has passed the following bills of the Senate, to wit:

A bill to provide for the crection of a bridge in the county of Clermont;

A bill to incorporate the Perrysburg steam mill company;

A bill to incorporate the Moscow and Williamsburg turnpike road company;

A bill to incorporate the wardens and vestry of all saints' church of Portsmouth in the county of Scioto.

The house has passed a resolution providing that the canal commissioners shall make certain drains and dikes in the town of Marietta, to which the concurrence of the senate is requested;

Also a resolution in relation to certain repairs of the state house, in which the concurrence of the senate is requested.

Attest, W. H. BLODGET, *Clerk.*

On motion of Mr. Thompson,

The resolution from the house in relation to certain improvements in the town of Marietta, was referred to the standing committee on canals.

The resolution from the house in relation to repairs in the state house was laid upon the table.

The bills from the House were read the first time.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to incorporate the Cadiz and Mt. Vernon turnpike road company;

A bill authorizing the auditor of Meigs county to receive the surrender of certain leases of school lands, and to give certificates of purchase therefor;

A bill to incorporate the town of Reynoldsburg, in the county of Franklin;

A bill to incorporate the Lewisburg and Eaton turnpike road company;

A bill to incorporate the regular baptist church of Chirst in Bucyrus, in the county of Crawford;

A bill to incorporate the German evangelical protestant church of St. John in the town of Massillon, in the county of Stark;

A bill to incorporate the state agricultural society;

A bill to incorporate the first congregational society of Avon, in the county of Lorain;

A bill to incorporate the Chagrin Falls manufacturing company;

A bill to incorporate the methodist episcopal church of Granger, in Medina county;

A bill to incorporate the first baptist church at Sunbury, Delaware county, Ohio;

A bill to incorporate the first congregational presbyterian church of Strasburg, in Tuscarawas county;

A bill to divorce Catharine Wolf from her husband Charles C. Wolf;

A bill relating to sales of real estate under judgments and executions within the county of Cuyahoga;

A bill to incorporate the first baptist church of St. Albans, in the county of Licking;

A bill to incorporate the first methodist episcopal church of Strasburg, in Tuscarawas county;

A bill further to amend the act to authorize the president, mayor and trustees of the town of Zanesville to borrow money for the purposes therein specified;

A bill to divorce Pelly Murphy from her husband Edward Murphy;

A bill to incorporate the first evangelicál Lutheran church of Strasburg, in Tuscarawas county;

A bill to incorporate the town of Lima, in the county of Stark;

A bill to incorporate the first united brethren in Christ's church of Strasburg, in Tuscarawas county;

A bill to lay out a state road in the counties of Preble and Butler;

A bill to incorporate the first baptist church at Mill creek, Delaware county, Ohio.

The House has passed the following bill of the Senate, to wit:

A bill to authorize the courts of common pleas of Pickaway county to vacate alleys in the town of Circleville, in said county.

The Speaker of the house has signed the following enrolled bills, to which the signature of the Speaker of the senate is also requested, to wit:

An act to authorize the county commissioners of the counties of Madison, Clark and Green, to subscribe to the capital stock of any turnpike road company or turnpike road companies, when such road or roads shall enter into or pass through any of the said counties, or either of them;

An act to incorporate the Nelsonville toll bridge company, in the county of Athens;

An act to change the name of the town of Columbia, in the county of Putnam, to that of Pendleton;

An act to lay out and establish a state road in the counties of Stark and Portage;

An act to incorporate the wardens and vestry of St. Andrew's church in Elyria, Lorain county;

An act to extend the corporate limits of Columbus;

An act to incorporate the Dayton silk company;

An act to authorize the president, recorder and trustees of the town of New Lisbon to borrow money;

An act to incorporate the congregational church of Plain township, Wood county;

An act to incorporate the first presbyterian church in Hanover, in the county of Columbiana;

An act for the relief of John Beatty, auditor of Clermont county;

An act to incorporate the St. Mary's library association, in the county of Mercer;

An act in addition to an act entitled an act to amend an act to incorporate the Sandusky, Toledo and Michigan city rail road company;

An act to incorporate the methodist episcopal church of Johnstown, in the county of Licking;



An act to incorporate the first baptist church of Perrysburg, Wood county;

An act for the relief of John Wolf;

An act to regulate incorporated literary societies;

An act to incorporate the Huron and Mount Vernon turnpike or M'Adamized road company;

An act to incorporate the Alexandersville and Bellbrook turnpike road company;

An act to lay out and establish a state road in the counties of Delaware, Union and Franklin;

An act to incorporate the Huron county silk company;

An act to incorporate the first congregational church and society of the township of Huntingdon, in the county of Lorain;

An act to incorporate the wardens and vestry of Christ's church of Huron, Huron county;

An act to incorporate the second presbyterian church of Steubenville, in the county of Jefferson;

An act to incorporate the Salem township baptist church in Muskingum county;

An act to incorporate the grace church of Maumee city.

The following bills have been reported to the House and read the first time, to wit:

A bill to incorporate the Scioto and Miami railroad company;

A bill making appropriations for the year eighteen hundred and thirty-nine;

A bill to incorporate the relief fire company of Zanesville.

The house has postponed until the first Monday of December next the further consideration of the bill (No. 126) of the senate, to provide for the draining of Gervais pond, in Scioto county.

The house has agreed to the amendments of the senate to the following bills of the house, to wit:

A bill to incorporate the Union turnpike road company;

A bill to incorporate the Martinsville Silliman institute and library company;

A bill to incorporate the town of Royalton, in Fairfield county;

A bill to incorporate the Wapakonetta and Defiance turnpike road company;

A bill to incorporate the Worthington female seminary;

A bill to authorize and encourage the establishment of agricultural societies in the several counties in this state, and regulate the same.

The house has agreed to the amendments of the senate to the bill No. 161 of the house, to incorporate the Portsmouth dry dock and steamboat basin company, with one amendment, to which the concurrence of the senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

The bills from the House were read the first time.

The amendments of the house to the amendments of the senate to the bill of the house were agreed to.

Ordered that the house be informed thereof.

Mr. Spangler offered the following resolution, to wit:

*Resolved by the General Assembly of the State of Ohio, That Leander Ransom, Timothy G. Bates, William Wall, Corrington W. Searle and William Rayen, be and they are hereby appointed and constituted a board of public works; the first named to hold his appointment for five years, the second for four years; the third for three years; the fourth for two years; and the fifth for one year, from and after the first day of April next, agreeably to the act of the present session, "to abolish the board of canal commissioners and revive the board of public works."*

Mr. Thomas moved to lay the resolution upon the table, upon which question the yeas and nays were demanded, and were, yeas 17, nays 17; as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Craighill, Fuller, Green, Harlan, Morris, Oliver, Smith, Stokely, Shannon, Thomas, Tracy, Vanmeter, Wade and White—17.

Nays—Messrs. Bates, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Rodgers, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—17.

So the question was lost.

Mr. Green moved that the senate take a recess, upon which question the yeas and nays were demanded, and were, yeas, 16, nays 18; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmeter, Wade and White—16.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—18.

So the question was lost.

On motion of Mr. Spangler,

The resolution was laid upon the table.

On motion of Mr. Saylor,

The bill (H. No. 445) appointing trustees of the Miami university was taken up, amended, and ordered to be read a third time on tomorrow, in order to its final passage.

On motion of Mr. Bates,

The communication from the Governor, containing resolutions of the legislature of Indiana, in relation to the completion of the Wabash and Erie canal, was taken up, and referred to the standing committee on finance.

On motion of Mr. Fuller,

The senate resolved itself into a committee of the whole, Mr. Green in the chair, on the orders of the day; and after some time spent therein, the committee rose and reported back the following bills of the house without amendment:

No. 242. An act to incorporate the Perrysburg lyceum and library association;

No. 274. An act to authorize a state road in the counties of Sandusky and Lucas;

No. 276. An act to divide the township of Dayton into two election districts;

No. 277. An act to incorporate the methodist book concern at Cincinnati;

No. 315. An act to incorporate the town of Patriot, in the county of Gallia;

No. 283. An act to incorporate the first orthodox presbyterian church in Fredericktown, in the county of Knox;

No. 285. An act to incorporate the first disciples' church of Euclid, in the county of Cuyahoga;

No. 291. An act to incorporate the Conneaut lyceum;

No. 289. An act to incorporate St. John's church at Wakeman, in the county of Huron;

No. 290. An act to regulate the fees of clerks in cases of naturalization;

No. 281. An act to amend the act entitled, an act incorporating the Cleveland and Warren railroad company;

No. 295. An act to incorporate the Freiden's German reformed and evangelical Lutheran church in the county of Clark;

No. 255. An act to amend the act to provide for clearing certain ponds in the county of Butler, passed March 22, 1838.

Which bills were severally ordered to be read a third time on to-morrow, in order to their final passage.

The committee also reported house bill (No. 278) to exempt section No. 2, in the original surveyed township of Springfield, in the county of Hamilton, from revaluation, without amendment.

On motion of Mr. Holmes,

The bill was recommitted to Mr. Holmes.

The committee also reported house bill (No. 269) for the relief of Morris Seely, with sundry amendments; which were agreed to, and the bill was further amended, and ordered to be read a third time on to-morrow, in order to its final passage.

The committee also reported house bill (No. 242) for the protection of orchards, gardens, and other improved lands, with one amendment.

On motion of Mr. Spangler,

The bill was laid upon the table.

The committee also reported house bill (No. 100) to incorporate the Mount Pleasant boarding school, and to adjust the difficulties existing between the orthodox and Hicksites society of friends in relation thereto, with one amendment; which was agreed to, and on the question of ordering the bill to be read a third time on to-morrow,

Mr. Thompson demanded the yeas and nays, which were ordered, and were, yeas 24, nays 7, as follows:

Yeas—Messrs. Allen, Birch, Cox, Craighill, Fuller, Green, Harlan, Holmes, James, Matthews, Morris, Oliver, Rodgers, Smith,



Stokely, Shannon, Spangler, Shideler, Stadden, Thomas, Tracy, Vanmetre, White and Speaker—24.

Nays—Messrs. Bates, Hostetter, Ihrig, Saylor, Thompson, Utter, and Walton—7.

So the question was carried, and the bill was ordered to be read the third time on to-morrow.

The committee also reported house bill (No. 254) to amend the act to regulate the mode of petitioning the legislature in certain cases, with one amendment.

On motion of Mr. Thomas,

The further consideration of the bill was postponed indefinitely.

Ordered that the house be informed thereof.

Mr. Stokely, on leave, from the standing committee on military affairs, reported a bill to amend the act entitled, an act to organize and discipline the militia of Ohio; which was read the first time.

Mr. Stokely, on leave, from the select committee on that subject, reported a bill to change the name of the philomathean literary institute of Guernsey county; which was read the first time.

On motion of Mr. Ihrig,

The Senate adjourned.

Attest.

C. J. McNULTY, *Clerk.*

FRIDAY, *March 8, 1839.*

The Senate met pursuant to adjournment.

Mr. Harlan presented the memorial of C. Smith, of Shelby county, praying a new trial of certain suits at law to which he was a party; which was referred to the standing committee on the judiciary.

Mr. Smith, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 171) to provide for the more effectual punishment of certain offences in the county of Scioto; and No. 226, to provide for the more effectual punishment of certain offences in the county of Montgomery, reported the same back without amendment, and recommended that they be indefinitely postponed; which was agreed to.

Ordered that the house be informed thereof.

Mr. Walton, from the standing committee on the judiciary, to which was referred the petition of Elizabeth Johnson, administratrix of Robert Johnson, deceased, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 301) supplementary to an act making certain instruments of writing negotiable, passed February 25, 1820, reported the same back with sundry amendments; which were agreed to, and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

Mr. McLaughlin, from the standing committee on canals, to which

was referred the memorial of Messrs. Davison and Cone, praying for damages, asked to be discharged from the further consideration thereof, and recommended that the same be referred to the standing committee on the judiciary; which was agreed to.

Mr. Matthews, from the standing committee on canals, to which was recommitted the resolution from the house, authorizing the canal commissioners to make certain improvements in the town of Marietta, in the county of Washington, reported the same back with one amendment; which was agreed to, and the resolution was passed.

Ordered that the house be informed thereof.

Mr. White, from the joint select committee on enrollment, reported that said committee had deposited in the office of the secretary of state, and taken his receipt for the following acts and resolutions, to wit:

An act to amend an act entitled, an act to provide for the incorporation of townships;

An act to incorporate the Clermont and Woodville graded road company;

An act to incorporate the Hancock hydraulic company;

An act to incorporate the Wellsville and Cleveland McAdamized road company;

An act for the relief of Norman C. Baldwin;

An act to amend the act entitled, an act to incorporate the town of Sidney, passed March 1, 1834;

An act to incorporate the methodist episcopal church of Medina;

An act to incorporate the first church of disciples in Bedford, Cuyahoga county;

An act to incorporate the town of Washington in the county of Guernsey;

An act in relation to permanent leasehold estate;

An act to incorporate the Marion mechanics' beneficial society;

An act to incorporate the first regular baptist church of Aurora in the county of Portage;

An act to authorize a graded state road from the Ohio river, opposite the flats of Grave creek to Pleasanton;

An act to change the name of the town of Vermillion in Richland county, to that of Savanna;

An act incorporating the northern German Lutheran church of Cincinnati;

An act to incorporate the Asbury seminary at Chagrin Falls;

An act to revive and amend an act entitled, an act to incorporate the Circleville and Washington turnpike company;

Resolution for the survey of a canal route from Columbus to Lake Erie;

Resolution for the admission of James Engle into the institution for the blind.

Mr. White, from the committee on enrollment, reported that said committee had examined and found duly enrolled the following acts, to wit:

An act to incorporate the associate reformed congregation of Martinsburg in Knox county;

An act to incorporate the Cheviot, Cleves and Elizabethtown turnpike company in the county of Hamilton;

An act appointing commissioners for the state road leading from Painsville, in the county of Geauga, to Bloomfield in the county of Trumbull;

An act to incorporate the St. Paris, Elizabethtown, Fletcher, Piqua, and Covington turnpike company;

An act to incorporate the Chillicothe hook and ladder company;

An act to amend an act entitled, an act to incorporate the town of Medina, in the county of Medina, passed March 9, 1835; and an act amendatory thereto, passed March 19, 1838;

An act for extending the Columbus and Zoar state road;

An act to incorporate the Franklin library association in the county of Mercer.

Mr. Holmes, from the select committee to which was recommitted the bill, (H. No. 278,) to exempt section No. 29, in the original surveyed township of Springfield in the county of Hamilton from revaluation, reported the same back with one amendment; which was agreed to.

Mr. Harlan moved to recommit the bill to the standing committee on the judiciary with instructions to provide for a revaluation, upon which question Mr. Holmes demanded the yeas and nays; which were ordered, and were, yeas 13, nays 19; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, Hostetter, James, Morris, Smith, Stokely, Thomas, Tracy, and Wade—13.

Nays—Messrs. Allen, Craighill, Holmes, Ihrig, Matthews, McLaughlin, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmeter, Walton, White, and Speaker—19.

So the question was lost.

Mr. Fuller then moved to amend the bill by inserting the following as sec. 2, to wit:

Sec. 2. That said section twenty-nine shall hereafter be subject to taxation, the same as other lands in this state, any other act or law to the contrary notwithstanding.

Upon this question Mr. Holmes demanded the yeas and nays; which were ordered, and were, yeas 7, nays 24; as follows, to wit:

Yeas—Messrs. Allen, Birch, Fuller, McLaughlin, Smith, Thomas, and Wade—7.

Nays—Messrs. Cox, Craighill, Green, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, Morris, Rodgers, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Vanmeter, Walton and Speaker—24.

So the question was lost.

The question then recurring upon ordering the bill to be read a third time, Mr. Holmes demanded the yeas and nays, which were ordered, and were, yeas 18, nays 14; as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig,



Mathews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, and Speaker—18.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmeter, and Wade—14.

So the question was carried, and the bill was ordered to be read the third time on to-morrow, in order to its final passage.

Mr. Ihrig, from the select committee to which was recommitted the bill, H. No. 263, to incorporate the Milan and Elyria turnpike company, reported the same back with amendments; which were agreed to, and the bill was passed.

Ordered, that the House be informed thereof.

The following bill was read the second time, committed to a committee of the whole senate, and made the order of the day for this day, to wit:

H. No. 412. An act to incorporate the Cadiz and Mt. Vernon turnpike road company;

H. No. 385. An act to incorporate the Chagrin Falls manufacturing company;

H. No. 409. An act to incorporate the town of Reynoldsburg in the county of Franklin;

H. No. 403. An act to divorce Polly Murphy from her husband Edward Murphy;

H. No. 403. An act to divorce Catharine Wolf from her husband Charles C. Wolf;

H. No. 427. An act to incorporate the regular baptist church of Christ in Bucyrus in the county of Crawford;

H. No. 428. An act to lay out a state road in the counties of Preble and Butler;

H. No. 429. An act to incorporate the methodist episcopal church of Granger in Medina county;

H. No. 419. An act to incorporate the first united brethren of Christ's church of Strasburg in Tuscarawas county;

No. 418. An act to incorporate the first methodist episcopal church of Strasburg, in Tuscarawas county;

H. No. 417. An act to incorporate the first evangelical Lutheran church of Strasburg in the county of Tuscarawas;

H. No. 414. An act to incorporate the town of Lima in the county of Stark;

H. No. 410. An act to incorporate the first baptist church of St. Albans in the county of Licking;

H. No. 156. An act authorizing the auditor of Meigs county to receive the surrender of certain leases of school lands named, and to give certificates of purchase;

H. No. 422. An act to incorporate the German evangelical protestant church of St. John's, in the town of Massillon, in the county of Stark;

H. No. 453. An act to incorporate the state agricultural society;

H. No. 406. An act to incorporate the first congregational society of Avon in the county of Lorain;

H. No. 400. An act to incorporate the Leesburg and Eaton turnpike road company;

H. No. 402. An act further to amend the act to authorize the president, recorder and trustees of the town of Zanesville to borrow money for the purposes therein named;

H. No. 407. An act relating to sales of real estate under judgments and decrees within the county of Cuyahoga;

H. No. 423. An act to incorporate the first baptist church at Sunbury, Delaware county, Ohio;

H. No. 416. An act to incorporate the first congregational presbyterian church of Strasburg in Tuscarawas county;

H. No. 424. An act to incorporate the first baptist church of Millcreek, Delaware county, Ohio;

H. No. 396. An act to amend an act entitled, an act to provide for the incorporation of townships;

H. No. 397. An act to punish betting on elections;

H. No. 399. An act to incorporate the Auglaze seminary,

H. No. 395. An act to amend an act to incorporate the Hamilton, Rossville, Darrrtown, Oxford and Fairhaven turnpike company;

H. No. 392. An act to incorporate the Sidney, Carysville and Millerstown road company;

H. No. 393. An act to incorporate the town of Bucyrus in the county of Crawford;

H. No. 398. An act to incorporate the Granville fire company, in the county of Licking;

H. No. 401. An act to amend the act entitled an act to incorporate the Vermillion and Ashland railroad company, passed March 23, 1837;

S. No. 197. A bill to amend the act entitled an act to organize and discipline the militia of Ohio;

S. No. 198. A bill to change the name of the Philomathean literary institute in Guernsey county.

The following bills of the House were read the third time, and passed, to wit:

An act to incorporate the Conneaut lyceum;

An act relating to the stockholders of the Manhattan Bank, at Manhattan, Ohio.

Mr. Thomas moved to amend the bill by adding the following proviso at the end thereof, to wit:

*Provided*, That this act shall not be construed into a recognition of the right of said company to exercise any banking privilege under the authority of this state.

Upon this question, the yeas and nays were demanded, and were, yeas 11, nays 21, as follows, to wit:

Yeas—Messrs. Birch, Cox, Morris, Saylor, Stadden, Tod, Thomas, Utter, Wade, Walton and Speaker—11.

Nays—Messrs. Allen, Bates, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Rodgers, Smith, Stokeley, Shannon, Spangler, Shideler, Thompson, Tracy and Vanmeter—21.

So the question was lost.

The question then recurring upon the passage of the bill, the yeas

and nays were demanded, and were, yeas 17, nays 16; as follows, to wit:

Yeas—Messrs. Bates, Birch, Cox, Craighill, Fuller, Green, Harlan, Hostetter, James, Matthews, Rodgers, Smith, Stokely, Shannon, Spangler, Stadden and Tracy—17.

Nays—Messrs. Allen, Holmes, Ihrig, McLaughlin, Morris, Saylor, Shideler, Thompson, Tod, Thomas, Utter, Vanmeter, Wade, Walton, White and Speaker—16.

So the question was carried.

An act to incorporate the Mount Pleasant boarding school, and to adjust the difficulties existing between the Orthodox and Hicksite society of Friends relative thereto.

Upon the passage of this bill, Mr. Tod demanded the yeas and nays, which were ordered, and were, yeas 17, nays 9; as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Craighill, Fuller, James, Rodgers, Smith, Stokely, Shannon, Saylor, Shideler, Stadden, Tracy, Vanmeter, Wade and Speaker—17.

Nays—Messrs. Bates, Harlan, Holmes, Hostetter, Spangler, Thompson, Tod, Utter and Walton—9.

So the question was carried.

An act appointing trustees of the Miami university;

An act to incorporate the Claridon draining company, in the county of Geauga;

An act to divide the township of Dayton into two election districts;

An act to incorporate the methodist book concern at Cincinnati;

An act to incorporate the Frieder's German reformed and evangelical Lutheran church, in the county of Clark;

An act to amend the act entitled an act incorporating the Cleveland and Warren railroad company;

An act to regulate the fees of clerks in cases of naturalization;

An act to incorporate St. John's church at Wakeman, in the county of Huron;

An act to incorporate the first disciple church of Euclid, in the county of Cuyahoga;

An act to incorporate the first orthodox presbyterian church in Fredericktown, in the county of Knox;

An act to incorporate the town of Patriot, in the county of Gallia;

An act to extend the time of making payment by the purchasers of the salt reservation, in the county of Jackson;

An act to incorporate the Perrysburg lyceum and library association;

An act to amend the act to provide for clearing certain ponds in the county of Butler, passed March 2d, 1838;

Upon the passage of this bill, Mr. Thomas demanded the yeas and nays, which were ordered, and were, yeas 22, nays 10; as follows, to wit:

Yeas—Messrs. Allen, Craighill, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Utter, Vanmeter, Walton, White and Speaker—22.



Nays—Messrs. Bates, Birch, Cox, Fuller, Harlan, Morris, Thompson, Tod, Thomas and Wade—10.

So the question was carried.

An act for the relief of Morris Seely.

Upon the passage of this bill, Mr. Morris demanded the yeas and yeas, which were ordered, and were, yeas 29, nays 5; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Vanmeter, Wade, Walton, White and Speaker—29.

Nays—Messrs. Cox, McLaughlin, Morris, Oliver and Thomas—5.

So the question was carried.

Ordered, that the titles be as aforesaid, and that the concurrence of the house in the amendments thereto be requested.

The following bill of the house was read the third time, and

On motion of Mr. Craighill,

Recommitted to Mr. Craighill, to wit:

An act to authorize a state road in the counties of Sandusky and Seneca.

On motion of Mr. Green,

The committee of the whole were discharged from the further consideration of the bill (H. No. 358) amendatory of an act to amend the act entitled an act to incorporate the city of Columbus in the State of Ohio, passed March 5, 1836; and the same was taken up and ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Green offered the following resolution, which was agreed to, to wit:

*Resolved*, That the standing committee on rail roads and turnpikes be instructed to inquire what additional work is to be done on the National Road between Lafayette, in Madison county, and Springfield, in Clark county, in order to the completion of the said road, and if in their opinion the State has the right to interfere with the said road before its completion and acceptance by the State, that they consider of the expediency of authorizing the board of public works to complete the same, and provide for an appropriation for that purpose.

On motion of Mr. Spangler,

The resolution appointing a board of public works was taken up.

Mr. Fuller moved to amend the resolution by striking out the name of Timothy G. Bates; upon which question the yeas and nays were demanded, and were, yeas 13, nays 18; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, James, Morris, Oliver, Rodgers, Smith, Stokely, Tracy, Vanmeter and White—13.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—18.

So the question was lost.

Mr. Fuller then moved to amend the resolution by striking out the

name of William Wall; upon which question the yeas and nays were demanded, and were, yeas 16, nays 18; as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmeter and Wade—16.

Nays—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, White and Speaker—18.

So the question was lost.

Mr. Morris further moved to amend the resolution by striking out the name of Corrington W. Searle; upon which question the yeas and nays were demanded, and were, yeas 11, nays 23; as follows, to wit:

Yeas—Messrs. Allen, Birch, Fuller, Green, Harlan, Morris, Oliver, Rodgers, Thomas, Tracy and Wade—11.

Nays—Messrs. Bates, Cox, Craighill, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmeter, Walton, White and Speaker—23.

So the question was lost.

Mr. Allen further moved to amend the resolution by striking out the name of William Rayen; upon which question the yeas and nays were demanded, and were, yeas 9, nays 25; as follows, to wit:

Yeas—Messrs. Allen, Cox, Harlan, Morris, Oliver, Rodgers, Thompson, Vanmeter and White—9.

Nays—Messrs. Bates, Birch, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Thomas, Tracy, Utter, Wade, Walton and Speaker—25.

So the question was lost.

The question then recurring upon the adoption of the resolution, the yeas and nays were demanded, and were, yeas 13, nays 15; as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—18.

Nays—Messrs. Birch, Cox, Fuller, Green, James, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmeter, Wade and White—15.

So the question was carried.

Ordered to the House for concurrence.

Mr. Craighill, from the select committee to which was recommitted the bill (H. No. 274) to authorize a State road in the counties of Sandusky and Seneca, reported the same back with sundry amendments, which were agreed to and the bill was passed.

Ordered that the title be as aforesaid, and that the concurrence of the House in the amendments thereto be requested.

On motion of Mr. Stadden,

The Senate took up the bill (S. No. 120) to authorize the trustees of the methodist episcopal church of the town of Newark to sell certain

real estate, and the pending amendments were agreed to, and the bill was ordered to be engrossed for its third reading on to-morrow in order to its final passage.

On motion of Mr. Utter,

The Senate resolved itself into a committee of the whole, Mr. Stokes in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported back the following bills of the Senate without amendment, to-wit:

No. 183. A bill to authorize the sale of the southeast quarter of section sixteen, in township number four of range number five, in Monroe county;

No. 182. A bill to amend the act entitled, an act to incorporate the Cincinnati, Columbus and Wooster turnpike company, passed Feb. 12, 1838; which bills were severally ordered to be engrossed for their third reading on to-morrow, in order to their final passage.

The committee also reported Senate bill, No. 180, to incorporate the Ohio navigation company, with one amendment.

Mr. Smith moved that the further consideration of the bill be postponed until the first Monday in December next.

Upon which question, Mr. Bates demanded the yeas and nays, which were ordered, and were, yeas 15, nays 14, as follows, to wit:

Yeas—Messrs. Birch, Harlan, Holmes, Hostetter, Ihrig, Morris, Smith, Spangler, Saylor, Stadden, Tod, Utter, Wade, Walton and Speaker—15.

Nays—Messrs. Allen, Bates, Cox, Craighill, Fuller, Green, Oliver, Rodgers, Stokely, Shannon, Shideler, Thomas Tracy and Vanmetre—14.

So the question was carried.

The committee also reported Senate bill, No. 184, for the relief of James W. Crawford, without amendment; and on ordering the bill to be engrossed for its third reading,

Mr. Smith demanded the yeas and nays, which were ordered and were, yeas 20, nays 10, as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Wade, Walton and White—20.

Nays—Messrs. Birch, Cox, Fuller, Harlan, Morris, Oliver, Smith, Stokely, Thomas and Speaker—10.

So the question was carried, and the bill was ordered to be read a third time on to-morrow.

The committee also reported Senate bill, No. 181, declaratory of the law relating to wills, without amendment, and on the question of ordering the bill to be engrossed for its third reading,

Mr. Tod demanded the yeas and nays, which were ordered.

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on the judiciary.



The committee also reported the following bills of the House without amendment, to wit:

No. 318. An act to incorporate the Brooklyn center academy;

No. 307. An act to incorporate the wardens and vestry of St. Barnabas' church at New Hagerstown, in Carroll county;

No. 317. An act to incorporate the first congregational church and society of Parma, in the county of Cuyahoga;

No. 302. An act to establish a state road in the counties of Monroe and Guernsey;

No. 280. An act to amend an act entitled, an act to incorporate the firemen's insurance company of Cleveland;

No. 304. An act to incorporate the Union German reformed church in the county of Clark;

No. 311. An act to incorporate the second presbyterian church and congregation in Newark, Licking county;

No. 300. An act to authorize the school directors of the borough of Ashtabula to remit the tax for building school houses in certain cases;

No. 299. An act to amend the act entitled, an act to incorporate the town of Dayton, in the county of Montgomery, and the several acts amendatory thereto;

No. 279. An act to incorporate the Wapakonetta and St. Mary's railroad company;

Which bills were severally ordered to their third reading on to-morrow, in order to their final passage.

The committee also reported House bill, No. 305, to lay out and establish a graded state road in the counties of Guernsey and Monroe, without amendment.

On motion of Mr. Walton,

The bill was recommitted to Mr. Walton;

The committee also reported House bill, No. 313, to create a lien in certain cases in the township of Zanesville, without amendment.

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on the judiciary.

On motion of Mr. Spangler,

The resolution from the House for the relief of T. Worthington, was taken up, and on the question of its passage, the yeas and nays were demanded, and were, yeas 21, nays 13; as follows, to wit:

Yeas—Messrs. Allen, Cox, Craighill, Fuller, Green, Harlan, Holmes, McLaughlin, Oliver, Rodgers, Stokely, Spangler, Saylor, Shideler, Stadden, Thomas, Tracy, Vanmetre, Wade, White and Speaker—21.

Nays—Messrs. Bates, Birch, Hostetter, Ihrig, James, Matthews, Morris, Smith, Shannon, Thompson, Tod, Utter and Walton—13.

So the question was carried.

Ordered that the House be informed thereof.

On motion of Mr. McLaughlin,

The bill (H. No. 294) to amend the act entitled, an act to alter the

name of Paris in the counties of Richland and Huron, to that of Plymouth, and to incorporate said town was taken up, and ordered to be read a third time on to-morrow in order to its final passage.

Mr. Harlan offered the following resolution, which was agreed to, to wit:

*Resolved*, That the clerk of the Senate be, and he is hereby authorized to employ an additional clerk for the remainder of the session.

Mr. Morris moved to take up the resolution providing for the survey of a canal route to connect the Miami canal with the Columbus feeder, or the Ohio canal at Circleville, or some other point.

Mr. Spangler moved that the Senate proceed to the orders of the day; upon which question, the yeas and nays were demanded, and were yeas 13, nays 21, as follows, to wit:

Yeas—Messrs. Bates, Craighill, Fuller, Holmes, Hostetter, Shannon, Spangler, Stadden, Thompson, Tod, Tracy, Utter and Walton—13.

Nays—Messrs. Allen, Birch, Cox, Green, Harlan, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Saylor, Shideler, Thomas, Vanmeter, Wade, White and Speaker—21.

So the question was lost.

The resolution was then taken up.

Mr. Spangler moved that the further consideration thereof be postponed until the first Monday in December next.

Upon which question, the yeas and nays were demanded, and were, yeas 19, nays 15, as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Fuller, Holmes, Hostetter, Ihrig, Stokely, Shannon, Spangler, Saylor, Stadden, Thompson, Tod, Tracy, Utter, Wade, Walton and Speaker—19.

Nays—Messrs. Birch, Cox, Green, Harlan, James, Matthews, McLaughlin, Morris, Oliver, Rodgers, Smith, Shideler, Thomas, Vanmeter and White—15.

So the question was carried.

On motion of Mr. Tod,

The resolution authorizing the Governor to represent the State stock in all elections of canal and slackwater navigation companies, was taken up.

Mr. Green moved that the further consideration of the bill and amendments be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 18, nays 15; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Smith, Shannon, Spangler, Shideler, Thomas, Tracy, Vanmeter, Wade and Speaker—18.

Nays—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Rodgers, Saylor, Stadden, Thompson, Tod, Utter, Walton and White—15.

So the question was carried; and on motion, the Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

SATURDAY, *March 9, 1839.*

The Senate met pursuant to adjournment.

Mr. Craighill presented a remonstrance from citizens of Sandusky city, against the passage of the act to incorporate said city; which was laid upon the table.

Mr. Ihrig, from the standing committee on roads and highways, made the following report; which was agreed to:

The standing committee on roads and highways, to which was referred a petition signed by citizens of the Maumee valley, praying to have the road commissioners' and surveyors' fees raised for laying out state roads, had the subject under consideration, and now report:

Your committee are of the opinion that the prayers of the petitioners should not be granted. They offer for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petitions.

Mr. Spangler, from the standing committee on finance, to which was recommitted the bill (S. No. 162) to amend the act to provide for taxing banks, insurance and bridge companies, reported the same back without amendment, and recommended that the further consideration thereof be postponed until the first Monday in December next.

On motion of Mr. Thompson,

The bill was laid upon the table.

Mr. Cox, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled the following bills, to wit:

An act to incorporate the philomathean society of the Ohio university, in the town of Athens;

An act to incorporate the Wapaukonnetta and Defiance turnpike road company;

An act to incorporate the Parkman academy, in the county of Geauga;

An act to incorporate the universalist institute of Ohio city;

An act to incorporate the union turnpike road company;

An act to authorize the town council of the town of Dayton to borrow money.

Mr. Saylor, from the standing committee on railroads and turnpikes, made the following report; which was agreed to:



The standing committee on railroads and turnpikes, to which was referred a resolution instructing said committee to inquire into the expediency of appointing a superintendant of railroads and turnpike roads in which the state is interested, have had the same under consideration, and now report:

The committee have come to the conclusion that it would be unnecessary to appoint a superintendent of railroads and turnpikes at the present session of the legislature, in consequence of there being so few railroads and turnpikes completed in the state. The committee are of the opinion, however, that such an officer will be required at no distant day, more especially when they take into consideration the great number of turnpike roads which are now organized and under contract, and will, in the course of one or two years, be completed. The committee therefore recommend the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the resolution, and that the same be indefinitely postponed.

Mr. Morris, from the committee on enrollment, reported that said committee had examined and found duly enrolled the following acts, to wit:

An act to incorporate the Dayton mechanics' institute;

An act to amend the act to incorporate the Fairhaven, Rutland and Athens turnpike company;

An act to repeal an act to provide for the erection of the townships of Sulpher-Spring, Pleasant and Adams, in the county of Seneca;

An act to incorporate the union class of the church of the united brethren in Christ Jesus, in Rush creek township, Fairfield county;

An act to incorporate the trustees of the first methodist episcopal church of Columbus, in the county of Franklin;

An act to incorporate the first presbyterian church of Bronson township, in the county of Huron;

An act to incorporate the first congregational society of Troy, in the county of Geauga;

An act for the relief of Frederick A. Abbott, and Bethuel Samples;

An act to appoint a road commissioner.

Mr. Oliver, from the standing committee on agriculture, commerce and manufactures, to which was recommitted the bill (H. No. 145) to encourage the culture of silk, reported the same back without amendment.

The question being on ordering the bill to be read a third time,

Mr. Todd demanded the yeas and nays, which were ordered, and were, yeas 16, nays 13, as follows;

Yeas—Messrs. Allen, Birch, Fuller, Holmes, Morris, Oliver, Rodgers, Shannon, Saylor, Shideler, Thomas, Tracy, Vanmeter, Wade, White and Speaker—16.

Nays—Messrs. Cox, Craighill, Harlan, Hostetter, James, Matthews,

McLaughlin, Smith, Spangler, Thompson, Tod, Utter, and Walton—13.

So the question was carried, and the bill was ordered to be read a third time on Monday next.

Mr. Bates, from the standing committee on public lands, reported a bill for the relief of G. G. Baker and G. R. Lewis; which was read the first time.

Mr. White, from the committee on enrollment, reported that said committee had examined and found duly enrolled the following acts:

An act to authorize the commissioners of Highland county to subscribe stock to the Ripley and Hillsborough turnpike road, and all other turnpike roads in said county, and to borrow money for the same;

An act to incorporate the Martinsville institute and library company;

An act to make a special appropriation of a part of the three per cent fund, in the county of Belmont;

An act to incorporate St. Peter's catholic church of Bolivar, in Tuscarawas county;

An act to provide for the sale of section sixteen, in Falls township, in the county of Hocking;

An act to amend the act passed 17th March, 1833, entitled, an act to establish a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, in Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county;

An act to authorize the directors of the school district composed of the town of Troy, in the county of Miami, to borrow money;

An act to provide for the appointment of measurers and inspectors of cord wood in the counties of Scioto, Jackson and Lawrence, and defining their duties;

An act to incorporate the Wilmington, Port William, Jamestown and South Charleston turnpike road company.

The following bills of the senate were read the third time and passed, to wit:

An act for the relief of James W. Crawford.

Upon the passage of this bill, the yeas and nays were demanded, and were, yeas 16, nays 12, as follows:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Matthews, Rodgers, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Tracy, Utter, Wade and Walton—16.

Nays—Messrs. Birch, Cox, Fuller, Harlan, James, Morris, Oliver, Smith, Stokely, Thomas, Vanmeter, and Speaker—12.

So the question was carried.

An act to authorize the trustees of the methodist episcopal church in the town of Newark, to sell certain real estate;

An act to authorize the sale of the southeast quarter of section sixteen, in township number four, of range number five, in Monroe county.

Ordered that the house be informed thereof, and that their concurrence be requested.

The following bill of the senate was read the third time:

An act to amend the act entitled, an act to incorporate the Cincinnati, Columbus and Wooster turnpike company, passed February 12, 1828.

Mr. Holmes offered the following amendment by way of rider to the bill:

Add to the close of sec. 1: "*Provided*, That the toll gate erected on said road adjacent to the city of Cincinnati, shall be located in accordance with the provisions of the eighth section of the act to incorporate the Cincinnati, Columbus and Wooster turnpike company, passed Feb. 12, 1828."

Mr. Utter moved to recommit the bill to the standing committee on railroads and turnpikes, with instructions to strike out the third section of the bill; which was agreed to.

The following bills of the house were read the third time and passed, to wit:

An act to amend the act entitled, an act to alter the name of Paris, in the counties of Richland and Huron, to that of Plymouth, and to incorporate said town;

An act to amend the act entitled, an act to incorporate the town of Dayton, in the county of Montgomery, and the several acts amendatory thereto;

An act supplementary to an act making certain instruments of writing negotiable, passed Feb. 25, 1820.

Upon the passage of this bill the yeas and nays were demanded, and were, yeas 19, nays 12, as follows:

Yeas—Messrs. Allen, Bates, Birch, Cox, Craighill, Green, Harlan, Holmes, James, Matthews, Oliver, Smith, Saylor, Stadden, Tod, Thomas, Vanmeter, Wade, and Walton—19.

Nays—Messrs. Fuller, Hostetter, Morris, Rodgers, Stokely, Shannon, Spangler, Shideler, Tracy, Utter, White and Speaker—12.

So the question was carried.

An act to incorporate the second presbyterian church and congregation in Newark, Licking county;

An act to incorporate the Union German reformed church, in the county of Clark;

An act to amend an act entitled, an act to incorporate the firemen's insurance company of Cleveland;

An act to authorize the school directors of the borough of Ashtabula, to remit the tax for building school houses in certain cases;

An act to incorporate the first congregational church and society of Parma, in the county of Cuyahoga;

An act to incorporate the wardens and vestry of St. Barnabas' church at New Hagerstown, in Carroll county;

An act amendatory of an act to amend the act entitled, an act to incorporate the city of Columbus, in the state of Ohio, passed March 5, 1838;

An act to exempt section No. 29, in the original surveyed township of Springfield, in the county of Hamilton, from revaluation.

On motion of Mr. Harlan,



The bill was amended by way of ryder; and on the question of its passage, the yeas and nays were demanded, and were, yeas 20, nays 12, as follows;

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, James, Oliver, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Vanmeter, Walton, White and Speaker—20.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, Matthews, Morris, Smith, Stokely, Thomas, Tracy and Wade—12.

So the question was carried.

Ordered, that the titles be as aforesaid, and that the concurrence of the house in the amendments thereto be requested.

The following bill of the house was read the third time, to wit:

An act to incorporate the Wapaukonetta and St. Mary railroad company.

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on railroads and turnpikes.

Message from the House of Representatives.

Mr. Speaker:

The house has passed the following bills to which the concurrence of the senate is requested, to wit:

A bill to divorce Roxana Davis from her husband Luther M. Davis;

A bill to authorize the directors of school district number two in Lick township, Jackson county, to borrow money;

A bill to incorporate the first methodist society of Evansport;

A bill to incorporate the New Richmond turnpike road company;

A bill to incorporate the first methodist episcopal church in the city of Cleveland;

A bill to incorporate the Lithopolis academy;

A bill to enable the commissioners of Franklin county to sell the poor house of said county and the lands attached thereto;

A bill to authorize a review and alteration of a part of the state road from Worthington, in Franklin county, to Marysville, in the county of Union;

A bill to incorporate the Hannan Ferry, Mercerville, Patriot and Centreville turnpike company, in the county of Gallia;

A bill to incorporate the Monroeville fire company No. 1;

A bill making a special appropriation of the three per cent fund within the county of Union;

A bill to prevent certain injuries to the canals belonging to the state, and for other purposes;

A bill to incorporate the Erie insurance company;

A bill to revive the act entitled an act to incorporate the Bellefontaine and Perrysburg rail road company, passed April 3, 1837.

The house has passed the following bills of the senate, to wit:

A bill to incorporate fire company number one, in the town of Perrysburg;

A bill to incorporate the Fairfield, Yellow Springs and Clifton turnpike road company;

A bill to provide for the extension of the Walhonding canal up the Killbuck creek to Millersburg, in the county of Holmes;

A bill to incorporate the Woodsfield lyceum;

A bill to incorporate the free church of Warrenton, in the county of Jefferson;

A bill to authorize a revaluation and sale of part of school section 16, in Green county;

A bill to authorize the commissioners of Portage county to borrow money;

A bill to incorporate the Harveysburg high school company, in the county of Warren;

A bill to incorporate the Monroe academical association;

A bill to amend an act entitled an act to open and secure the navigation of the Scioto river, and for other purposes, passed February 8, A. D. 1819.

The house insists upon its amendments to the bill (S. No. 57) for the relief of Ethan Stone.

The house has agreed to the amendments of the senate to the following bills of the house, to wit:

A bill for the relief of Frederick A. Abbott;

A bill to incorporate the trustees of the first methodist episcopal church of Columbus, in the county of Franklin;

A bill to incorporate the Elizabethtown circulating library society, in the county of Licking;

A bill to authorize the town council of the town of Dayton to borrow money;

A bill to incorporate the Parkman academy in the county of Geauga;

A bill to incorporate the Findley railroad company;

A bill to incorporate the Philomathean society of the Ohio university in the town of Athens.

The following bills have been reported to the house and read the first time, to wit:

A bill relating to prison labor in the Ohio Penitentiary;

A bill further to amend an act entitled an act to incorporate the Hamilton, Rossville, Sommerville, Newcomb and Eaton turnpike company;

A bill to amend an act entitled an act to authorize the holding of a special court in the county of Cuyahoga;

A bill to amend the act entitled an act prescribing the duties of county auditors, passed March 14, 1831;

A bill to incorporate the citizens' fire company of Chillicothe;

The Speaker of the House has signed the following enrolled bills, to which the signature of the Speaker of the Senate is also requested, to wit:

An act appointing commissioners for the state road leading from

Painesville, in the county of Geauga, to Bloomfield, in the county of Trumbull;

An act to incorporate the Cheviot, Cleves, and Elizabethtown turnpike company, in the county of Hamilton;

An act to incorporate the associate reformed congregation of Martinsburg, in the county of Knox;

An act to incorporate the Franklin library association, in the county of Mercer;

An act to incorporate the Chillicothe hook and ladder company;

An act to incorporate the St. Paris, Elizabethtown, Fletcher, Piqua and Covington turnpike company;

An act to amend an act entitled an act to incorporate the town of Medina, in the county of Medina, passed March 9, 1835, and an act amendatory thereto, passed March 19, 1838;

An act for extending the Columbus and Zoar state road.

The house has agreed to the amendment of the senate to the resolution of the house providing for sundry elections on Saturday the 9th inst.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

The bills from the House were read the first time.

On motion of Mr. Oliver,

The senate adhered to its disagreement to the amendments of the house to the bill of the senate for the relief of Ethan Stone.

Ordered that the house be informed thereof.

Mr. Utter offered the following resolution, to wit:

*Resolved by the General Assembly of the State of Ohio, That William S. Hatch, Eber W. Hubbard and George W. Manypenny, be, and they are hereby appointed bank commissioners, the first named to serve for six years, the second for four years, and the last named for two years, from and after the passage of this resolution, agreeably to the provisions of an act entitled, an act providing for the appointment of a board of bank commissioners, and for the regulation of banks within the state of Ohio, passed Feb. 25, 1839.*

Mr. Thomas moved to lay the resolution upon the table, upon which question the yeas and nays were demanded, and were, yeas 11, nays 22; as follows, to wit:

Yeas—Messrs. Fuller, Green, Harlan, Morris, Oliver, Smith, Stokely, Thomas, Vanmetre, Wade, and White—11.

Nays—Messrs. Allen, Bates, Cox, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Walton, and Speaker—22.

So the question was lost.

Mr. Green moved that the Senate take a recess; upon which ques-



tion the yeas and nays were demanded, and were, yeas 13, nays 20; as follows, to wit:

Yeas—Messrs. Birch, Fuller, Green, Harlan, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Vanmetre, Wade and White—13.

Nays—Messrs. Allen, Bates, Cox, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Walton, and Speaker—20.

So the question was lost.

Mr. Thomas moved that the further consideration of the resolution be indefinitely postponed; upon which question the yeas and nays were demanded, and were ordered.

At 10 minutes past 1 o'clock, P. M.

Mr. Green moved that the Senate take a recess; upon which question the yeas and nays were demanded, and were, yeas 13, nays 17; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, Morris, Oliver, Smith, Stokely, Thomas, Tracy, Vanmeter, and Wade—13.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton, and Speaker—17.

So the question was lost.

Mr. Thomas moved to amend the resolution by adding the following resolution, to wit:

*Resolved*, That before any of said bank commissioners shall enter upon the duties of his office, he shall submit to the Governor for his approval, the bond which, by the provisions of this act, authorizing the appointment of said commissioners, he is required to give; which bonds, when by him approved, shall be preserved by the Governor in his office.

Upon this question the yeas and nays were demanded, and were, yeas 16, nays 16; as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Fuller, Harlan, James, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmeter, Wade, and White—16.

Nays—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Walton, and Speaker—16.

So the question was lost.

The question then recurred upon the adoption of the resolution; upon which question the yeas and nays were demanded, and were, yeas 17, nays 16; as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter, Walton and Speaker—17.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmeter, Wade, and White—16.

So the question was carried.

Ordered to the house for concurrence.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence of the Senate is requested, to wit:

A bill to incorporate the Scioto and Rush lake hydraulic company;

A bill to amend an act entitled, an act prescribing the duties of county auditors, passed March 14, 1831;

A bill to amend an act entitled, an act to authorize the holding of special courts in the county of Cuyahoga;

A bill restraining the corporate authorities of the cities of Cincinnati and Cleveland in the exercise of certain powers and for other purposes;

A bill for the relief of Arthur Taggart;

A bill making appropriations for the year eighteen hundred and thirty-nine.

The Speaker of the house has signed the following enrolled bills to which the signature of the Speaker of the Senate is also requested, viz:

An act to provide for the appointment of measurers and inspectors of cord wood in the counties of Scioto, Jackson and Lawrence, and defining their duties;

An act to lay out and establish a state road in the counties of Stark and Portage;

An act to incorporate the Worthington female seminary;

An act to incorporate the first presbyterian church of West Carlisle in the county of Coshocton;

An act to incorporate St. Mary's church in Marietta in the county of Washington;

An act to authorize the directors of the school district composed of the town of Troy, in the county of Miami to borrow money;

An act to amend the act passed 17 March, 1838, entitled, an act to establish a free turnpike road from the south boundary of Champaign county to Upper Sandusky in Crawford county; and to establish a free turnpike road from Jefferson in Madison county to Troy in Miami county;

An act to incorporate the Wilmington, Port William, Jamestown and South Charleston turnpike road company;

An act to provide for the sale of section sixteen in Falls township in the county of Hocking;

An act to incorporate the union turnpike road company;

An act to incorporate the universalist institute of Ohio city;

An act to incorporate the Parkman academy in the county of Geauga;

An act to incorporate the Wapakonetta and Defiance turnpike road company;

An act to authorize the town council of the town of Dayton to borrow money;

An act to incorporate the Philomathean society of the Ohio university in the town of Athens;

An act to incorporate the Martinsville Silliman institute and library company;

An act to authorize the county commissioners of Highland county to subscribe stock to the Ripley and Hillsborough turnpike road, and all other turnpike roads in said county, and to borrow money for the same;

An act to make a special appropriation of a part of the three per cent fund in the county of Belmont;

An act to incorporate St. Peter's catholic church of Bolivar in Tuscarawas county;

An act to incorporate the first congregational society of Troy in the county of Geauga;

An act to incorporate the first presbyterian church of Bronson township in the county of Huron;

An act to incorporate the union class of the church of the united brethren in Christ Jesus in Rush Creek township, Fairfield county;

An act to incorporate the trustees of the first methodist episcopal church of Columbus in the county of Franklin;

An act for the relief Frederick A. Abbot and Bethuel Samples;

An act to amend the act to incorporate the Fairhaven, Rutland and Athens turnpike company;

An act to repeal an act to provide for the erection of the townships of Sulphur-Spring, Pleasant and Adams, in the county of Seneca;

An act to incorporate the Dayton mechanics' institute;

An act to appoint a road commissioner.

The following bills have been reported to the House and read the time, to wit:

A bill to vacate part of state road in the county of Columbiana;

A bill to authorize a state road in the counties of Hancock and Henry;

A bill to amend the act granting licenses and regulating taverns;

A bill to divorce Elizabeth Farrington from her husband George W. Farrington;

A bill to authorize the commissioners of Knox county to borrow money for certain purposes from the fund of the surplus revenue, deposited with said county;

The House has agreed to the amendments of the Senate to the following bills of the House, to-wit:

A bill for the relief of Morris Seeley;

A bill relating to the stockholders of the Manhattan bank at Manhattan, Ohio.

The House has agreed to the 1st and 3d amendments of the Senate to the bill (No. 445) of the House appointing trustees of the Miami university, and disagreed to the 2d and 4th amendments.

The House has passed a resolution approving of the plans of the



new state house, and for other purposes, to which the concurrence of the Senate is requested.

The House has passed a resolution providing for a survey and examination of the valley of One Leg and Connotton creeks;

Also, a resolution providing that the secretary of state forward to the clerk of Erie county, certain volumes of general and local laws, Chase's Statutes, &c. &c., to which the concurrence of the Senate is requested.

The House has agreed to the amendments of the Senate to the bill of the House (No. 274) to authorize a state road in the counties of Sandusky and Seneca.

The House has also adopted a resolution providing that the board of Public works shall estimate and settle the accounts of Jacob L. Vance, to which the concurrence of the Senate is requested.

The House has also adopted a resolution appointing Wm. H. Price a canal commissioner, to which the concurrence of the Senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

The bills from the House were read the first time.

The resolution from the House appointing Wm. H. Price a canal commissioner until the 2d day of April next, having been read,

Mr. Green demanded the yeas and nays on its passage, which were ordered, and were, yeas 22, nays 10, as follows, to wit:

Yeas—Messrs. Allen, Birch, Fuller, Harlan, Hostetter, Ihrig, Matthews, McLaughlin, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Tod, Thomas, Tracy, Vanmetre, Wade, White and Speaker—22.

Nays—Messrs. Bates, Cox, Craighill, Green, Holmes, James, Oliver, Stadden, Utter and Walton—10.

So the question was carried, and the resolution was agreed to.

Ordered, that the House be informed thereof.

The resolution from the House in relation to the plans for the new state house, &c. having been read,

Mr. Spangler moved to amend it by striking out the proviso thereto, which was in the following words, to wit:

*Provided*, That the estimate of the same shall not exceed five hundred thousand dollars.

Upon this question the yeas and nays were demanded, and were, yeas 24, nays 9, as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Cox, Craighill, Green, Harlan, Holmes, Hostetter, James, Matthews, McLaughlin, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Tod, Thomas, Vanmetre, Wade, Walton and White—24.

Nays—Messrs. Fuller, Ihrig, Morris, Oliver, Stokely, Stadden, Tracy, Utter and Speaker—9.

So the amendment was agreed to.

The resolution as amended was then agreed to.

Ordered that the House be informed thereof.

On motion of Mr. Spangler,

The resolution from the House in relation to an adjustment of the accounts of Jacob L. Vance, was referred to the standing committee on canals.

On motion of Mr. Spangler,

The resolution from the House authorizing the canal commissioners to make an examination and estimate of the valley of the One Leg and Connotton creeks, and report to the next General Assembly, was referred to the standing committee on canals.

The resolution from the House in relation to giving to the clerk of the court of Erie county, certain copies of the local laws, &c., was agreed to.

Ordered that the House be informed thereof.

On motion of Mr. Smith,

The Senate insisted upon its 2d amendment to the bill of the House; and,

On motion of Mr. Thomas,

The Senate insisted upon its 4th amendment to said bill.

Ordered that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The hall of the House is now ready for the reception of the Senate, to proceed to certain elections as provided for by a resolution of both Houses.

Attest:

W. H. BLODGET, *Clerk.*

Whereupon,

The members of the Senate, preceded by their Speaker and clerk, repaired to the hall of the House of Representatives, and being seated within the bar, both Houses, in pursuance of a joint resolution heretofore passed, proceeded to elect one associate judge for the county of Medina, and the following was the result:

For Stephen N. Sargeant,.....	53 votes.
Benjamin Ludley.....	50
Blank.....	1

Stephen N. Sargeant having received a majority of all the votes given, was by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected associate judge for Medina county, to serve for the constitutional term of seven years from and after this day.

The Houses next proceeded to elect one associate judge for the county of Union, and the following was the result:

For Nicolas Hathaway.....	59 votes.
Blanks.....	27

Nicolas Hathaway having received a majority of all the votes given, was by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected an associate judge for the county of Union, to serve for the constitutional term of seven years from and after the present session of the General Assembly.

The Houses next proceeded to elect one associate judge for the county of Logan, and the following was the result:

For Joshua Robb.....	54 votes.
Levi Garwood .....	51

Joshua Robb having received a majority of all the votes given, was by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected associate judge for the county of Logan, to serve for the constitutional term of seven years from and after this day.

The Houses next proceeded to elect one associate judge for the county of Jefferson, and the following was the result:

For Samuel McNary .....	39 votes.
Blanks .....	9

Samuel McNary having received a majority of all the votes given, was by the Speaker of the Senate, in the presence of both houses, declared to be duly elected associate judge for the county of Jefferson, to serve for the constitutional term of seven years from and after this day.

The Houses next proceeded to elect a major general for the 9th division of the Ohio Militia, and the following was the result:

For Henry H. Dodge .....	53 votes.
Stephen T. Smith .....	51
Blank.....	1

Henry H. Dodge having received a majority of all the votes given, was by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected major general of the 9th division of the Ohio militia.

The Houses next proceeded to elect one director of the Ohio Penitentiary, and the following was the result:

For John McElvain .....	53 votes.
Benjamin F. Allen .....	47
Blanks .....	5



John McElvain having received a majority of all the votes given, was by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected director of the Ohio penitentiary, to serve for the legal term of three years from and after this day.

The elections being through with,

The Senate returned to their chamber.

Mr. Bates asked leave of absence for Mr. Craighill for the remainder of the session. Objection having been made,

Mr. Thomas demanded the yeas and nays, which were ordered, and were, yeas 15, nays 15, as follows, to wit:

Yeas—Messrs. Bates, Birch, Green, Harlan, Matthews, Morris, Rodgers, Smith, Stokely, Saylor, Thomas, Tracy, Vanmeter, Wade and White—15.

Nays—Messrs. Allen, Fuller, Holmes, Hostetter, Ihrig, McLaughlin, Shannon, Spangler, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—15.

So the question was lost.

Mr. Cox, from the committee on enrollment, reported that said committee had deposited in the office of the secretary of State, and taken his receipt for the following enrolled acts, to wit:

An act to incorporate the Franklin library association in the county of Mercer;

An act to amend an act entitled an act to incorporate the town of Medina in the county of Medina, passed March 9, 1835, and an act amendatory thereto, passed March 19, 1838;

An act for extending the Columbus and Zoar state road;

An act to incorporate the St. Paris, Elizabethtown, Fletcher, Piqua, and Covington turnpike company;

An act to incorporate the Chillicothe hook and ladder company;

An act to incorporate the associate reformed congregation of Martinsburgh in Knox county;

An act to incorporate the Cheviot, Cleves and Elizabethtown turnpike company, in the county of Hamilton;

An act appointing commissioners for the state road leading from Painesville, in the county of Geauga, to Bloomfield, in the county of Trumbull;

Mr. Cox also reported, that the same committee had examined and found duly enrolled, a resolution for the relief of T. Worthington.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bill to which the signature of the Speaker of the Senate is also requested, to wit:

An act to incorporate the Portsmouth dry dock and steamboat basin company.

Attest:

W. H. BLODGET, *Clerk.*

Thereupon, the Speaker of the senate signed the enrolled bill from the house.

A message from the House of Representatives.

Mr. Speaker:

The house has passed the following resolutions, in which the concurrence of the senate is requested:

A resolution providing certain compensation to the assistant doorkeepers and messengers of the present general assembly;

Also a resolution in relation to the auditing of postage accounts against the members and officers of the present general assembly.

The Speaker of the house has signed a joint resolution for the relief of T. Worthington, to which the signature of the Speaker of the senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. McLaughlin,

The resolution from the house providing for the payment of the assistant doorkeepers and messengers of the general assembly, was laid upon the table.

The resolution from the house for the payment of postages, &c. was agreed to.

The Speaker signed the enrolled resolution from the house.

On motion of Mr. Stokely,

The bill (S. No. 191) to authorize the sale of section 16, township 5, range 3, Jefferson county, was taken up, and referred to the standing committee on schools and school lands.

Mr. Craighill, on leave, from the select committee to which was re-committed the bill (S. No. 74) to incorporate the town of Lower Sandusky, reported the same back without amendment, and recommended that it be postponed until the first Monday in December next; which was agreed to.

On motion of Mr. Utter,

The senate resolved itself into a committee of the whole, Mr. Smith in the chair, on the orders of the day; and after some time spent therein, the committee rose and reported back the following bills of the house without amendment:

No. 306. An act to lay out and establish a graded state road in the counties of Carroll and Harrison;

No. 219. An act ceding to the United States the jurisdiction of certain lands in the township of Huron, in the county of Huron, for a certain purpose;

No. 320. An act ceding to the United States the jurisdiction of a certain piece of land on Cedar Point entrance of Sandusky bay, in the county of Erie, for a certain purpose;

No. 314. An act to incorporate the town of Nelsonville, in the county of Athens;

No. 297. An act to incorporate the Bolivar and Loudonville turnpike or McAdamized road company;

No. 312. An act to incorporate the trustees of the Ravenna female seminary.

Which bills were severally ordered to be read the third time on Monday next, in order to their final passage

The committee also reported house bill, No. 212, to incorporate the Dayton hotel company, without amendment.

On the question of ordering the bill to be read a third time,

Mr. Tod demanded the yeas and nays, which were ordered, and were, yeas 9, nays 23—as follows, to wit:

Yeas—Messrs. Allen, Craighill, Holmes, James, McLaughlin, Rodgers, Spangler, Saylor, and Shideler—9.

Nays—Messrs. Bates, Birch, Cox, Fuller, Green, Harlan, Hostetter, Matthews, Morris, Oliver, Smith, Stokely, Shannon, Siadden, Thompson, Tod, Thomas, Tracy, Utter, Vanmeter, Wade, Walton and Speaker—23.

So the question was lost.

The committee also reported a resolution of the senate, providing for a review of the county seat of Lucas county, without amendment.

On motion of Mr. Thomas,

The resolution was laid upon the table.

The committee also reported house bill (No. 240) to lay out and establish a state road in the counties of Pickaway and Franklin, without amendment.

On motion of Mr. Green,

The bill was laid upon the table.

The committee also reported house bill (No. 159) for the relief of Gideon M. Ayres, without amendment.

On motion of Mr. Holmes,

The bill was recommitted to the standing committee on claims.

The committee also reported house bill (No. 316) to attach a part of the county of Lawrence to the county of Gallia, without amendment.

On motion of Mr. Rodgers,

The bill was recommitted to the standing committee on schools and school lands.

The committee also reported house bill (No. 428) further to amend the act entitled, an act to prohibit the issuing and circulating of unauthorized bank paper, passed January 27, 1816, without amendment.

On motion of Mr. Stokely,

The bill was recommitted to the standing committee on the judiciary.

The committee also reported senate bill (No. 187) to extend the Ohio canal up to Freeport, in the county of Harrison, without amendment.

On motion of Mr. Green,

The bill was laid upon the table.

The committee also reported senate bill (No. 154) to authorize the commissioners of Fairfield county to construct a bridge across the Ohio canal, without amendment, and the bill was ordered to be engrossed for its third reading on Monday next, in order to its final passage.



On motion of Mr. Green,  
The Senate adjourned until Monday morning, 9 o'clock.

Attest,

C. J. McNULTY, *Clerk.*

MONDAY, *March 11, 1839.*

The Senate met pursuant to adjournment.

Mr. Wade presented a petition from citizens of Preble county, remonstrating against the passage of the bill in relation to fugitives from labor or service from other states; which was laid upon the table.

Mr. Bates presented petitions from citizens of Lucas county, praying the removal of the seat of justice of said county; which were laid upon the table.

Mr. Bates presented a petition from citizens of Putnam county, praying the passage of a general banking law; which was laid upon the table.

Mr. Bates presented a petition from citizens of Putnam county, praying the sale of the Miami canal lands; which was laid upon the table.

Mr. Bates, from the standing committee on public lands, to which was recommitted the bill (H. No. 153) for the relief of owners of the Mercer county reservoir, reported the same back without amendment, and recommended that the further consideration thereof be indefinitely postponed.

On motion of Mr. Bates,

The bill was then laid upon the table.

Mr. Saylor, from the standing committee on railroads and turnpikes, to which was recommitted the bill (H. No. 279) to incorporate the Wapaukonetta and St. Mary's railroad company, reported the same back with one amendment; which was agreed to, and the bill was passed.

Ordered, that the title be as aforesaid, and that the concurrence of the House in the amendment thereto be requested.

Mr. Saylor, from the standing committee on railroads and turnpikes, to which was recommitted the bill (S. No. 182) to amend the act entitled, an act to incorporate the Cincinnati, Columbus and Wooster turnpike company, passed Feb. 12, 1828, reported the same back with sundry amendments; which were agreed to.

The question being,

Shall the bill pass?

Mr. Holmes demanded the yeas and nays, which were ordered, and were, yeas 13, nays 16, as follows:

Yeas—Messrs. Allen, Birch, Fuller, Harlan, Oliver, Rodgers, Saylor, Stadden, Thomas, Tracy, Vanmetre, Wade and White—13.

Nays—Messrs. Cox, Green, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Shannon, Spangler, Shideler, Thompson, Tod, Utter, Walton and Speaker—16.

So the question was lost.

Mr. McLaughlin, from the standing committee on canals, to which was recommitted the resolution providing for a change of the southern termination of the Ohio canal, reported the same back with one amendment.

On motion of Mr. Fuller,

The resolution was laid upon the table.

Mr. Morris, from the joint committee of enrollment, reported that the committee had examined and found duly enrolled the following bills, to wit:

An act to incorporate the Portsmouth dry dock and steam boat basin company;

An act to incorporate the directors of the literary and botanico medical college of the State of Ohio;

An act to provide for the extension of the Walhonding canal up the Killbuck creek to Millersburg, in the county of Holmes;

An act to incorporate the Lebanon and Hopkinsville turnpike company;

An act to incorporate the Marietta and Harmar bridge company.

Mr. Matthews, from the standing committee on canals, to which was referred the remonstrances against the construction of the Mad River feeder to the Miami canal, made the following report, to wit:

(See Appendix, W, page 80.)

On motion of Mr. Harlan,

The report and petitions were laid upon the table.

Mr. Walton, from the standing committee on the judiciary, made the following report, which was agreed to, to wit:

The standing committee on the judiciary, to which was referred the resolution in relation to the amendments of the 47th section of the act passed March 14th, 1831, entitled an act prescribing the duties of county auditors, so as to extend the provisions of that section to all lands forfeited to the State for non-payment of taxes previous to the passage of said act; and providing more effectually for the computation of the taxes, interest and penalties which would accrue on said lands if they had been regularly continued on the duplicate for taxation, have had the same under consideration and report:

That the resolution contemplates the enactment of a law wholly retrospective. The committee therefore believe it to be unwise to adopt the amendment proposed, for the reason that it is always impossible to anticipate the consequences either for good or for evil, which would result from the enactment of laws retrospective in their character. The committee therefore offer for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject.

Mr. Fuller, from the standing committee on schools and school lands, to which was recommitted the bill (S. No. 191) to authorize the

sale of section sixteen, township five, range two, in Jefferson county, reported the same back with sundry amendments, which were agreed to; and the bill was ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

Mr. James, from the standing committee on finance, to which was recommitted the bill (H. No. 331) making special appropriations for works of internal improvements for the year 1839, reported the same back with sundry amendments.

On motion of Mr. Tod,

The bill and amendments were laid upon the table.

On motion of Mr. Utter,

The amendments were ordered to be printed.

Mr. Fuller, from the standing committee on schools and school lands, to which was recommitted the bill (H. No. 316) to attach a part of the county of Lawrence to the county of Gallia, reported the same back without amendment.

The bill was then ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Allen, from the standing committee on new counties, reported the following resolution, to wit:

*Resolved by the General Assembly of the State of Ohio, That*

be and they are hereby appointed commissioners to review the present seat of justice of Lawrence county, and if after examination they should deem it most conducive to the public good and convenience to remove and fix the said seat of justice nearer to the centre of said county than at present located, they are hereby authorized and required to do so agreeably to the provisions of an act entitled an act establishing seats of justice: *Provided*, that if said commissioners shall determine that the public good requires that the county seat shall be removed, they shall report what amount of donations of money or property may be offered to defray the expenses of erecting public buildings at the new seat of justice and other advantages and disadvantages to the public from the proposed removal of said county seat, and that they report to the next General Assembly: *And provided, further*, that the seat of justice which may be agreed upon by said commissioners, shall not be considered as permanently located until the General Assembly shall approve of the selected site.

On motion of Mr. Rodgers,

The resolution was laid upon the table.

Mr. Matthews, from the standing committee on canals, to which was recommitted the bill (H. No. 123) for the relief of Frederick H. Bryan, reported the same back without amendment.

Mr. Spangler moved that the further consideration thereof be postponed until the first Monday in December next; upon which question the yeas and nays were demanded, and were, yeas 21, nays 11; as follows, to wit:



Yeas—Messrs. Allen, Bates, Birch, Fuller, Green, Harlan, Holmes, Hostetter, James, Morris, Oliver, Rodgers, Shannon, Spangler, Thompson, Tod, Thomas, Tracy, Utter, Walton and Speaker—21.

Nays—Messrs. Cox, Craighill, Ihrig, Matthews, McLaughlin, Stokely, Saylor, Shideler, Stadden, Wade and White—11.

So the question was carried.

Ordered that the house be informed thereof.

Mr. White, from the committee on enrollment, reported that said committee had deposited in the office of the Secretary of State, and taken his receipt for the following acts, to wit:

An act to abolish the board of canal commissioners and revive the board of public works;

An act to incorporate the town of Minster, in the county of Mercer;

An act to amend the act to provide for the vacation of town plats, and for other purposes, passed January 29, 1828;

An act to incorporate the town of Logan, in Hocking county;

An act for the relief of Abner Enoch;

An act to authorize the president, recorder and trustees of the town of New Lisbon to borrow money;

An act to incorporate the congregational church of Plain, in Wood county;

An act to incorporate the first presbyterian church in Hanover, in the county of Columbiana;

An act for the relief of John Beatty, auditor of Clermont county;

An act to incorporate the St. Mary's library association, in the county of Mercer;

An act in addition to an act entitled an act to amend an act to incorporate the Sandusky, Toledo and Michigan city railroad company;

An act to authorize the county commissioners of the counties of Madison, Clark and Green, to subscribe to the capital stock of any turnpike road company or turnpike road companies, when such road or roads shall enter into or pass through any of the said counties, or either of them;

An act to incorporate the Nelsonville toll bridge company, in the county of Athens;

An act to change the name of the town of Columbia, in the county of Putnam, to that of Pendleton;

An act to lay out and establish a state road in the counties of Stark and Portage;

An act to incorporate the wardens and vestry of St. Andrew's church in Elyria, Lorain county;

An act to extend the corporate limits of Columbus;

An act to incorporate the Dayton silk company;

An act to incorporate the methodist episcopal church of Johnstown, in the county of Licking;

An act to incorporate the first baptist church of Perrysburg, Wood county;

An act for the relief of John Wolfe;

- An act to regulate incorporated literary societies;
  - An act to incorporate the Huron and Mt. Vernon turnpike or McAdamized road company;
  - An act to incorporate the Alexandersville and Bellbrook turnpike road company;
  - An act to lay out and establish a state road in the counties of Delaware, Union and Franklin;
  - An act to incorporate the Huron county silk company;
  - An act to incorporate the wardens and vestry of Christ's church in Huron; county of Huron;
  - An act to incorporate the second presbyterian church of Steubenville, in the county of Jefferson;
  - An act to incorporate the Salem township baptist church in Muskingum county;
  - An act to incorporate the grace church of Maumee city;
  - An act to incorporate the first congregational church and society of the township of Huntingdon, in the county of Lorain.
- Mr. White, from the committee on enrollment, reported that said committee had examined and found duly enrolled the following acts, to wit:
- An act to incorporate the free church of Warrenton, in the county of Jefferson;
  - An act to authorize a revaluation and sale of a part of school section 16, in Green county;
  - An act to incorporate the Woodsfield lyceum;
  - An act to authorize the court of common pleas of Pickaway county to vacate alleys in the town of Circleville, in said county;
  - An act to incorporate the Fairfield, Yellow Springs and Clifton turnpike road company;
  - An act to incorporate the Worthington female seminary;
  - An act to incorporate St. Mary's church in Marietta, in the county of Washington;
  - An act to lay out and establish a graded state road in the counties of Stark and Portage;
  - An act to incorporate the first presbyterian church in the county of Coshocton;
  - An act to authorize the commissioners of Portage county to borrow money.
- Mr. Shannon, from the select committee on unfinished business, which were by resolution instructed to report to this senate so much of the unfinished business of the session in the year 1833 as relates to the claim of Caleb Finemore, asked to be discharged from the further consideration thereof, which was granted.
- The following bills were severally read the second time, committed to a committee of the whole senate and made the order of the day for this day, to wit:
- S. No. 199. A bill for the relief of George W. Baker and G. R. Lewis;

H. No. 466. An act to amend the act entitled an act prescribing the duties of county auditors, passed March 14, 1831;

H. No. 450. An act to incorporate the Scioto and Rush Lake hydraulic company;

H. No. 449. An act for the relief of Arthur Taggart;

H. No. 467. An act to amend an act entitled an act to authorize the holding of special courts in the county of Cuyahoga;

H. No. 282. An act restraining the corporate authorities of the city of Cincinnati and Cleveland in the exercise of certain powers, and for other purposes;

H. No. 420. An act to revive the act entitled an act to incorporate the Bellefontaine and Reynoldsburg rail road company, passed April 3d, 1837;

H. No. 434. An act to incorporate the Erie insurance company;

H. No. 446. An act to prevent certain injuries to the canals belonging to the state, and for other purposes;

H. No. 264. An act making special appropriation of the three per cent fund, within the county of Union;

H. No. 433. An act to incorporate the Monroe fire company, No. 1.

H. No. 441. An act to incorporate the Hannan Ferry, Mercerville Patriot and Centerville turnpike company in the county of Gallia;

H. No. 448. An act to authorize a review and alteration of a part of the state road from Worthington in Franklin county to Marysville in the county of Union;

H. No. 447. An act to enable the commissioners of Franklin county to sell the poor-house of said county and the lands attached thereto.

H. No. 451. An act to incorporate the Lithopolis academy;

H. 439. An act to incorporate the first methodist episcopal church in the city of Cleveland;

H. No. 431. An act to incorporate the New Richmond turnpike company;

H. No. 444. An act to incorporate the first methodist society of Evansport;

H. No. 440. An act to authorize the directors of school district number two, in Lick township, Jackson county, to borrow money;

The following bill was read the second time:

H. No. 463. An act making special appropriations for the year 1839;

On motion of Mr. Spangler,

Recommitted to the standing committee on finance:

The following bill was read the second time, to wit:

H. No. 442. An act to divorce Rosanna Davis from her husband Luther M. Davis;

On motion of Mr. Thomas,

Recommitted to the standing committee on the judiciary.

The following bill of the Senate was read the third time and passed, to wit:

An act to authorize the commissioners of Fairfield county to construct a bridge across the Ohio canal.



Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

The following bills of the House were read the third time and passed, to wit:

An act to encourage the culture of silk.

Upon the passage of the bill, the yeas and nays were demanded, and were, yeas 17, nays 16; as follows, to wit:

Yeas—Messrs. Allen, Birch, Fuller, Green, Holmes, Uhrig, Oliver, Rodgers, Stokely, Shannon, Saylor, Shideler, Tracy, Vanmetre, Wade, White and Speaker—17.

Nays—Messrs. Bates, Cox, Craighill, Harlan, Hostetter, James, Matthews, McLaughlin, Morris, Spangler, Stadden, Thompson, Tod, Thomas, Uter and Wagon—16.

So the question was carried.

An act to incorporate the trustees of the Ravenna female seminary;

An act to lay out and establish a graded state road in the counties of Carroll and Harrison;

An act ceding to the United States the jurisdiction of certain lands, in the township of Huron, in the county of Huron, for certain purposes;

An act to incorporate the town of Wellsville in the county of Athens;

An act ceding to the United States the jurisdiction of certain land on Cedar Point, entrance of Sandusky Bay, in the county of Erie, for a certain purpose;

An act to incorporate the Bolivar and Loudonville turnpike or McAdamized road company.

Ordered, that the titles be as aforesaid, and that the concurrence of the House in the amendments be requested.

Mr. Morris gave notice that on to-morrow he would ask leave to introduce a bill to repeal the law entitled, an act to abolish imprisonment for debt, passed March 19, 1838.

On motion of Mr. Saylor,

The committee of the whole were discharged from the further consideration of the bill, (H. No. 262,) to incorporate the Hanover, Stillwater and Rossville turnpike road company; and the same was re-committed to the standing committee on railroads and turnpikes.

On motion of Mr. Fuller,

The bill, (H. No. 144,) to amend the act entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendent, was taken up.

The question pending, was on amending the bill by striking out the first section thereof; which was in the words following, to wit:

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the second section of the act to which this is an amendment as provides for the assessment of two mills on the dollar, be and the same is hereby repealed, and that hereafter there shall be levied and assessed, as provided for in said act, one mill on the dol-

lar: *Provided*, That the commissioners of each county in the State may authorize, to be levied for school purposes in their several counties, an additional tax of not more than one mill on the dollar:

And inserting the following, to wit:

That the county commissioners of any county, at their discretion may reduce the school tax to be levied and collected in their respective counties, as provided for in the second section of the law to which this is an amendment, to any sum not less than one mill on the dollar, and in all cases where any county commissioners shall order such reduction of school tax on or before the first Monday of June, the county auditor in making out his duplicate for that year, shall be governed thereby.

Upon this question the yeas and nays were demanded, and were, yeas 26, nays 6; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Cox, Craighill, Fuller, Harlan, Holmes, Ihrig, Matthews, Oliver, Rodgers, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Thomas, Tracy, Utter, Vanmetre, Wade, Walton and White—26.

Nays—Messrs. Green, Hostetter, James, McLaughlin, Morris, and Speaker—6.

So the question was carried.

The bill was further amended; when

Mr. Morris moved to strike out the 15th section of the bill; which was in the following words, to wit:

Sec. 15. That the voters in any school district shall have power to vote for borrowing any sum of money for the erection of a school house or houses in the same way that they have power to vote for levying taxes for building school houses, and the school directors of any district are hereby authorized and empowered to borrow any such sum or sums of money as shall have been voted for by such district for the purchase of lots and erection of school houses within their limits, and all debts and loans so contracted by them for this purpose shall be good and valid in law against such district; and a tax shall be levied by such directors on the property of such district annually, to pay the interest on such loan or loans: *Provided*, That no loan shall be made at greater interest than seven per cent, nor to exceed a sum whose interest shall exceed one mill on the dollar on the valuation of property within such district subject to school tax, as the same is entered on the county duplicate.

Upon this question the yeas and nays were demanded, and were, yeas 4, nays 28; as follows, to wit:

Yeas—Messrs. Craighill, McLaughlin, Morris, and Speaker—4.

Nays—Messrs. Allen, Bates, Birch, Cox, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, Oliver, Rodgers, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Thomas, Tracy, Utter, Vanmeter, Wade, Walton, and White—28.

So the question was lost.

Mr. Green then moved to recommit the bill to the standing committee on schools and school lands, with instructions to strike out the 5th,

6th, and 18th sections of the same; upon which question the yeas and nays were demanded, and were, yeas 9, nays 24; as follows, to wit:

Yeas—Messrs. Green, Harlan, James, Morris, Oliver, Rodgers, Thomas, Utter, and Vanmeter—9.

Nays—Messrs. Allen, Bates, Birch, Cox, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Wade, Walton, White, and Speaker—24.

So the question was lost.

The question then recurring upon ordering the bill to be read a third time, in order to its final passage, the yeas and nays were demanded, and were, yeas 23, nays 9; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Cox, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, Stokely, Shannon, Spangler, Saylor, Shideler, Tod, Thomas, Tracy, Utter, Wade, Walton, White and Speaker—23.

Nays—Messrs. Green, Harlan, James, McLaughlin, Morris, Oliver, Rodgers, Stadden and Vanmeter—9.

So the question was carried, and the bill was ordered to be read a third time on to-morrow.

A message from the House of Representatives.

Mr. Speaker:

The house has agreed to the resolution of the senate appointing a board of public works, with one amendment, to which the concurrence of the senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The amendment of the house to the resolution of the senate, proposed to strike out the name of Corrington W. Searle, and insert that of Rodolphus Dickinson; and upon agreeing to the same,

Mr. Green demanded the yeas and nays, which were ordered, and were, yeas 23, nays 10, as follows:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmetre, Walton, White and Speaker—23.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, Rodgers, Stokely, Thomas, Tracy and Wade—10.

So the question was carried, and the amendment was agreed to.

Ordered that the house be informed thereof.

On motion of Mr. Hostetter,

The bill (H. No. 236) to authorize county surveyors in certain cases to survey lands and town lots without the county, was taken up, and ordered to be read a third time on to-morrow, in order to its final passage.

On motion of Mr. Ihrig,

The senate reconsidered the vote taken to-day, on the final passage



of the bill (H. No. 145) to encourage the culture of silk; and the question being on the final passage of said bill, the yeas and nays were demanded, and were, yeas 16, nays 17, as follows:

Yeas—Messrs. Allen, Birch, Fuller, Green, Holmes, Oliver, Rodgers, Stokely, Shannon, Saylor, Shideler, Tracy, Vanmetre, Wade, White and Speaker—16.

Nays—Messrs. Bates, Cox, Craighill, Harlan, Hostetter, Ibrig, James, Matthews, McLaughlin, Morris, Spangler, Stadden, Thompson, Tod, Thomas, Uter, and Walton—17.

So the question was lost.

Ordered, that the House be informed thereof.

Mr. Tod gave notice that he would on to-morrow, ask leave to introduce a bill to amend the act entitled, an act providing for the appointment of a board of bank commissioners, and for the regulation of banks within the state of Ohio, passed Feb. 25, 1839.

Mr. Allen offered a resolution, which was amended as follows, to wit:

*Resolved by the General Assembly of the State of Ohio, That Jacob Morgan be and he is hereby exonerated from the payment of the sum of two hundred and fifty dollars, due by him to the deaf and dumb asylum, for the education of three of his children of that description of persons; and,*

*That Goy Nearing be and he is hereby exonerated from the payment of the sum of one hundred and thirty dollars, due by him to said institution.*

Upon the passage of the resolution,

Mr. Walton demanded the yeas and nays, which were ordered, and were, yeas 25, nays 8, as follows:

Yeas—Messrs. Allen, Bates, Birch, Cox, Craighill, Green, Harlan, Holmes, Hostetter, Ibrig, Matthews, Rodgers, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tracy, Uter, Vanmetre, Wade, White and Speaker—25.

Nays—Messrs. Fuller, Jains, McLaughlin, Morris, Oliver, Tod, Thomas, and Walton—8.

So the question was decided in the affirmative.

Ordered to the House for concurrence.

Mr. Green offered the following resolution; which was amended as follows:

*Resolved by the General Assembly of the State of Ohio, That the directors of the Ohio Lonic asylum, be and they are hereby authorized to purchase, on behalf of the state, for the use of the said asylum, any quantity not exceeding thirty acres of land adjoining the said asylum, and that provision be made by law for the payment of the same: Provided, That said land can be purchased at a price not exceeding one hundred dollars per acre.*

On motion of Mr. Uter,

The resolution was laid upon the table.

On motion of Mr. Spangler,

The senate resolved itself into a committee of the whole, Mr. Morris in the chair, on the orders of the day; and after some time spent

therein, the committee rose and reported back the following bills, to wit:

S. No. 188. A bill to incorporate the Hibernian benevolent society of Cincinnati;

S. No. 189. A bill to amend the act entitled, an act to incorporate the Batavia turnpike and bridge company;

S. No. 192. A bill to incorporate the protestant evangelical church of Cleveland;

S. No. 194. A bill to incorporate the parish of St. Alban's church;

S. No. 195. A bill to amend an act to incorporate the theological seminary of the protestant episcopal church in the diocese of Ohio;

S. No. 198. A bill to change the name of the philomathean literary institute, in Guernsey county;

S. No. 199. A bill for the relief of George G. Baker and George R. Lewis, without amendment.

Which bills were severally ordered to be engrossed for their third reading on to-morrow, in order to their final passage; also,

S. No. 190. A bill for the relief of William Spencer and Alpheus Channel, without amendment.

On motion of Mr. Stadden,

The further consideration of the bill was postponed until the first Monday in December next.

Also (S. No. 193.) a bill to authorize the county commissioners of the several counties of Jefferson, Harrison, Guernsey and Monroe, to subscribe to the capital stock of any turnpike or McAdamized road company, or turnpike or McAdamized road companies, when such road or roads shall enter into or pass through any of said counties, or either of them, without amendment.

On the question of ordering the bill to be engrossed for its third reading, in order to its final passage,

Mr. Utter demanded the yeas and nays, which were ordered, and were, yeas 20, nays 10, as follows:

Yeas—Messrs. Allen, Birch, Cox, Fuller, Green, Harlan, Ihrig, Matthews, Morris, Oliver, Rodgers, Stokely, Shannon, Spangler, Stadden, Thompson, Thomas, Vanmetre, White and Speaker—20.

Nays—Messrs. Bates, Craighill, Holmes, Hostetter, James, McLaughlin, Saylor, Shideler, Tod, and Utter—10.

So the question was carried, and the bill was ordered to be read a third time on to-morrow.

Also (S. No. 196.) a bill to incorporate the Trumbull steam manufacturing company, with one amendment.

Mr. Utter moved that the further consideration of the bill be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 13, nays 13, as follows:

Yeas—Messrs. Allen, Cox, Harlan, Holmes, Hostetter, Ihrig, James, McLaughlin, Morris, Spangler, Saylor, Shideler, Thompson, Tod, Thomas, Utter, White and Speaker—13.

Nays—Messrs. Bates, Birch, Craighill, Fuller, Green, Matthews,

Oliver, Rodgers, Stokely, Shannon, Stadden, Tracy, and Vanmetre—13.

So the question was carried.

Also (S. No. 197,) a bill to amend the act entitled, an act to organize and discipline the militia of Ohio, without amendment.

Mr. Thomas moved that the further consideration of the bill be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 20, nays 11, as follows:

Yeas—Messrs. Bates, Birch, Craighill, Green, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, Morris, Rodgers, Shannon, Spangler, Saylor, Shideler, Thompson, Thomas, Utter and Speaker—20.

Nays—Messrs. Allen, Cox, Fuller, McLaughlin, Oliver, Stokely, Stadden, Tod, Tracy, Vanmetre, and White—11.

So the question was carried.

Also, H. No. 194. An act in addition to the act to tax banks, insurance and bridge companies;

H. No. 325. An act to amend the act to incorporate the Westchester, Middletown and Winchester turnpike company;

H. No. 335. An act to amend an act entitled an act to incorporate the German Lutheran and presbyterian congregation in the township of Green, in the county of Columbiana;

H. No. 323. An act to incorporate the Venice and Milton turnpike road company;

H. No. 333. An act to incorporate the Little Hocking bridge company, without amendment; which bills were severally ordered to be read a third time on to-morrow, in order to their final passage.

Also, H. No. 334. An act to incorporate the New Haven hydraulic company, without amendment.

On motion of Mr. McLaughlin,

The further consideration of the bill was postponed until the first Monday in December next.

H. No. 339. An act to incorporate the master and wardens of St. John's lodge, No. 13, in the town of Dayton, without amendment.

On the question of ordering the bill to be read a third time, in order to its final passage,

Mr. Fuller demanded the yeas and nays, which were ordered, and were, yeas 17, nays 13; as follows, to wit:

Yeas—Messrs. Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Rodgers, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tracy, Utter, Vanmetre and White—17.

Nays—Messrs. Allen, Bates, Birch, Cox, Fuller, Green, James, Morris, Oliver, Thompson, Tod, Thomas and Speaker—13.

So the question was carried, and the bill was ordered to be read a third time on to-morrow.

Also, H. No. 337. An act to authorize the commissioners of Highland county to sell or lease certain in-lots in the town of New Market in said county.

On motion of Mr. Morris,



The bill was recommitted to the standing committee on the judiciary.

Also, H. No. 310. An act authorizing the extension of the Miami canal feeder, with one amendment.

On motion of Mr. Harlan,

The bill was laid upon the table.

Also, H. No. 350. An act to amend an act, entitled an act for the redemption of lands and town lots sold for taxes, passed March 3, 1831, without amendment.

On motion of Mr. Spangler,

The bill was referred to the standing committee on the judiciary.

Also, H. No. 327. An act in relation to licenses by city and town authorities for the sale of spiritous liquors, with some amendments.

On motion of Mr. Thomas,

The further consideration of the bill was indefinitely postponed.

Ordered that the House be informed thereof.

Mr. Walton, on leave, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 109) amendatory to the act to abolish imprisonment for debt, reported the same back without amendment.

On motion of Mr. Harlan,

The bill was laid upon the table.

On motion of Mr. McLaughlin,

The resolution from the House in relation to the payment of the assistant door-keepers and messengers of the General Assembly was taken up and agreed to.

Ordered that the House be informed thereof.

On motion of Mr. Utter,

The resolution providing for a review of the county seat of Lucas county, was taken up.

Mr. Green moved to lay the resolution upon the table.

Upon which question, the yeas and nays were demanded, and were yeas 16, nays 17, as follows, to wit:

Yeas—Messrs. Birch, Cox, Green, Harlan, James, McLaughlin, Morris, Oliver, Stokely, Stadden, Tod, Thomas, Tracy, Vanmetre, Wade and White—16.

Nays—Messrs. Allen, Bates, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, Rodgers, Shannon, Spangler, Saylor, Shideler, Thompson, Utter, Walton and Speaker—17.

So the question was lost.

Mr. Tod moved to amend the resolution, by striking out all after the word "resolved," and inserting the following, to wit:

*Resolved*, That the question of reviewing the location of the seat of justice for Lucas county, be submitted to the qualified voters at their annual election in October, eighteen hundred and thirty-nine, each voter stating on a separate piece of paper the name of the town where he wishes the county seat permanently located; which votes shall be

recorded by the township officers holding the election, and returned to the clerk's office with the other abstracts of votes; which said votes concerning the county seat, shall be certified by said clerk to the next General Assembly.

Upon this question the yeas and nays were demanded, and were, yeas 13, nays 20, as follows, to wit:

Yeas—Messrs. Cox, Harlan, McLaughlin, Morris, Oliver, Rodgers, Stokely, Saylor, Stadden, Tod, Vanmetre, Wade and White—13.

Nays—Messrs. Allen, Bates, Birch, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, James, Matthews, Shannon, Spangler, Shideler, Thompson, Thomas, Tracy, Utter, Walton and Speaker—20.

So the question was lost.

Mr. Stokely then moved that the senate adjourn.

Upon which question the yeas and nays were demanded, and were, yeas 17, nays 16; as follows, to wit:

Yeas—Messrs. Birch, Cox, Harlan, James, McLaughlin, Morris, Oliver, Rodgers, Stokely, Saylor, Stadden, Tod, Thomas, Tracy, Vanmetre, Wade and White—17.

Nays—Messrs. Allen, Bates, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, Matthews, Shannon, Spangler, Shideler, Thompson, Utter, Walton, and Speaker—16.

So the question was carried, and

The Senate then adjourned.

Attest,

C. J. McNULTY, *Clerk.*

TUESDAY, *March 12, 1839.*

The Senate met pursuant to adjournment.

Mr. Oliver presented a memorial from certain citizens of Cincinnati, in relation to the medical and surgical supervision of the commercial hospital and lunatic asylum of Ohio; which was referred to the standing committee on Medical colleges and societies.

Mr. Utter, from the standing committee on claims, to which was recommended the bill (H. No. 159) for the relief of Gideon M. Ayres, reported the same back without amendment, and recommended that it be indefinitely postponed; which was agreed to.

Ordered that the House be informed thereof.

Mr. Walton, from the standing committee on the judiciary, to which was referred the memorial of Christopher Smith, of Shelby county, made the following report, which was agreed to, to wit:

The standing committee on the judiciary, to which was referred the Memorial of Christopher Smith, praying a *new trial* of a certain suit at law in which he was a party, have had the subject under consideration and report:

That the memorialist sets forth that some time in the year 1828 he was a transient guest at a public house in the city and county of Lancaster, State of Pennsylvania, of which State he was at that time a citizen; that a stranger, since known by the name of Thomas Merrill, came to the hotel, whose appearance and behaviour caused the keeper of the hotel to suspect that he had stolen the horses which he had with him; that this suspicion became strong, and it was ascertained that he had privately taken his horses out of the stable at the hotel, unknown to any one, and that he went off without paying his bill. That said Merrill was pursued, brought back and committed to prison.

The memorialist states that he had no agency in arresting and imprisoning said Merrill. That he was subpoenaed with others to prove the conduct and behaviour of said Merrill on the examination had before Samuel Dale, Esq. the day after the arrest of the said Merrill, and that afterwards the said Merrill was again committed to prison by the justice. That some time in June 1829, the memorialist was on business in the State of Ohio, when an action for false imprisonment was commenced against him by said Merrill in the court of common pleas for Delaware county; and at the September term of said court in the year 1830, a verdict was rendered against the memorialist for three thousand dollars damages, and costs of suit.

He further states, that at the time of the trial of said cause, he was confined to his bed and his life dispaired of, and for that reason was prevented attending to his case. He sets forth that it appears from the records of said court, that Messrs. Boulton and Wilcox appeared for him and filed the proper plea; but that he was prevented, for the cause aforesaid, from furnishing his attorneys the requisite testimony to enable them to make any defence. He says that he had no agency in the imprisonment of the said Merrill. That he was some hundred miles from the county in which his case was tried, afflicted and unable to attend. He alleges that the payment of the judgment will strip him of all means of support for himself and family. He therefore prays the passage of a special act to enable him to have a new trial.

There are 21 petitioners purporting to be citizens of the county of Green, who state, that from their knowledge of Mr. Smith's character, they have no doubt but that the statements made by him in his memorial are true, and they hope the legislature will grant the relief prayed for.

Accompanying the memorial are the affidavits of Jacob Dannlan and Frederick Glazier, taken before said Samuel Dale, Esq., an alderman of Lancaster city and county in the State of Pennsylvania, in the nature of an information against the said Merrill, on a charge of horse stealing. These papers constitute the sum total of the evidence submitted to your committee in this case.

It does not appear that notice was ever served on Merrill of the intention of the memorialist to apply to the legislature for relief; there is no record of the proceedings of the suit alleged to have been had in the court of common pleas in Delaware county; and all the evidence they have that there is any judgment against the memorialist, is his



own allegation, backed by the 21 petitioners, who state that from the knowledge they have of his character, they believe what he has stated in his memorial to be true.

If there be such a judgment as that set forth in the memorial, Merrill has an interest in it, and even a right to it, vested in him by the laws, which, to say the least, should not be impaired without proof of notice. The committee are of the opinion that it would require a much stronger and more fully established case than the one under consideration, to justify the Legislature in interfering with the determinations of the judiciary. Therefore,

*Resolved*, That the committee be discharged from the consideration of the subject, and that the memorialist have leave to withdraw his memorial.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 313) to create a lien in certain cases in the town of Zanesville, reported the same back without amendment, and recommended that it be indefinitely postponed; which was agreed to.

Ordered that the House be informed thereof.

Mr. Walton, from the standing committee on the judiciary, to which was referred the petition of sundry citizens of the State in relation to the sale of ardent spirits, asked to be discharged from the further consideration thereof; which was granted.

Mr. Tod, from the standing committee on the judiciary, to which was referred so much of the Governor's annual message as relates to usurious interest on money loaned, made the following report, which was agreed to, to wit:

The judiciary committee, to which was referred so much of the Governor's annual message as relates to usurious interest on money loaned, have delayed action thereon until this time that they might learn the fate of a bill introduced into the other branch of the general assembly upon that subject.

The bill having received the unfavorable action of the house, and your committee concurring therein, they ask, without assigning further reason therefor, to be discharged from the further consideration of the subject.

Mr. Cox, from the committee on enrollment, reported that said committee had deposited in the office of the Secretary of State, and taken his receipt for the following acts and resolutions, to wit:

Resolution for the relief of T. Worthington;

An act to incorporate the Portsmouth dry dock and steamboat basin company;

An act to incorporate St. Mary's church in Marietta, in the county of Washington;

An act to incorporate the first presbyterian church of West Carlisle, in the county of Coshocton;

An act to lay out and establish a graded state road in the counties of Stark and Portage;

An act to incorporate the Union turnpike road company;

An act to incorporate the Parkman academy, in the county of Geauga;

An act to incorporate the universalist institute of Ohio city;

An act to incorporate the Wapakonetta and Defiance turnpike road company;

An act to incorporate the first congregational society of Troy, in the county of Geauga;

An act to incorporate St. Peter's catholic church of Bolivar, in Tuscarawas county;

An act to authorize the commissioners of Highland county to subscribe stock to the Ripley and Hillsborough turnpike road, and all other turnpike roads in said county, and to borrow money for the same;

An act to incorporate the Martinsville Silliman institute and library company;

An act to make a special appropriation of a part of the three per cent fund, in the county of Belmont;

An act to incorporate the Philomathean society of the Ohio university, in the town of Athens;

An act to amend the act to incorporate the Fair Haven, Rutland and Athens turnpike company;

An act to incorporate the trustees of the first methodist episcopal church of Columbus, in the county of Franklin;

An act to incorporate the union class of the church of the united brethren in Christ Jesus, in Rush creek township, Fairfield county;

An act to appoint a road commissioner;

An act to incorporate the first presbyterian church of Bronson township, in the county of Huron;

An act to incorporate the Dayton mechanics' institute;

An act to repeal an act to provide for the erection of the townships of Sulphur Spring, Pleasant and Adams, in the county of Seneca;

An act to authorize the directors of the school district composed of the town of Troy, in the county of Miami, to borrow money;

An act to provide for the appointment of three assessors of cord wood, in the counties of Erie, Jackson and Lawrence, and to define their duties;

An act to amend the act passed 17th March 1831, entitled an act to establish a free turnpike road from the south boundary of Champaign county to Upper Sandusky, in Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county;

An act to incorporate the Wilmington, Port William, Jamestown, and South Charleston turnpike road company;

An act to provide for the sale of section sixteen in Falls township, in the county of Hocking;

An act to incorporate the Worthington female seminary;

An act to authorize the town council of the town of Dayton to borrow money;

An act for the relief of Frederick A. Abbott and Bethuel Samples.

Mr. Cox also reported, that the same committee had examined and found duly enrolled the following bills, to wit:

An act to incorporate the town of Rochester, in Coshocton county;

An act to authorize and encourage the establishment of agricultural societies in the several counties in this State, and regulate the same;

An act to incorporate the Findlay railroad company;

An act to extend the time of making payment by the purchasers of the lands of the salt reservation, in the county of Jackson;

An act to incorporate the methodist book concern at Cincinnati;

An act to authorize a state road in the counties of Sandusky and Seneca;

An act to incorporate the Claridon draining company, in the county of Geauga;

An act for the support and better regulation of the public schools in the town of Zanesville;

An act to incorporate the Perrysburg lyceum and library association.

Mr. Morris, from the joint committee of enrollment, reported that the said committee had examined and found duly enrolled the following bills, to wit:

An act to incorporate the Monroe academical association;

An act to incorporate the Coshocton and Cambridge turnpike road company.

Mr. White, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled the following acts and resolutions, to wit:

An act to incorporate the town of Patriot, in the county of Gallia;

An act to regulate the fees of clerks in cases of naturalization;

Resolution authorizing the board of public works to construct drains at Marietta;

An act to amend the act to provide for clearing certain ponds in the county of Butler, passed March 2d, 1838;

An act to incorporate St. John's church at Wakeman, in the county of Huron;

An act to incorporate the first disciple church of Euclid, in the county of Cuyahoga;

An act relating to the stockholders of the Manhattan Bank, at Manhattan, Ohio;

An act to incorporate the first orthodox presbyterian church in Frederickton, in the county of Knox;

An act to amend the act entitled an act incorporating the Cleveland and Warren railroad company;

An act to repeal the law incorporating the town of Florence, Huron county;

An act to incorporate the Barnesville male academy, in the county of Belmont;



An act to incorporate the Harveysburg high school company, in the county of Warren;

An act to amend an act entitled an act to open and secure the navigation of the Scioto river, and for other purposes, passed February 8th, A. D. 1819;

An act to provide for the erection of a bridge, in the county of Clermont;

An act to incorporate the wardens and vestry of all-saints' church, Portsmouth, in the county of Scioto;

An act for the relief of Morris Seely;

An act to incorporate the Frieden's German reformed and evangelical Lutheran church, in the county of Clark;

An act to incorporate the Conneaut lyceum;

An act to incorporate the town of Royal, in Fairfield county;

An act to incorporate the Elizabethtown circulating library society, in the county of Licking;

An act to incorporate the Moscow and Williamsburg turnpike road company;

An act to incorporate fire company number one, in the town of Perrysburg;

An act to incorporate the Perrysburg steam mill company;

Resolution authorizing the Speakers to audit the postage account of members, &c.;

An act to divide the township of Dayton in two election districts;

An act to incorporate the union German reformed church in the county of Clark;

An act to incorporate the Milan and Elyria turnpike company;

An act to amend the act entitled an act to incorporate the town of Dayton, in the county of Montgomery, &c.;

An act to amend the act entitled an act to alter the name of Paris, in the counties of Richland and Huron, to that of Plymouth, and to incorporate said town.

Mr. Saylor, from the standing committee on railroads and turnpikes, to which was recommitted the bill (H No. 262) to incorporate the Hanover, Stillwell and Rossville turnpike road company, reported the same back with sundry amendments, which were agreed to; and the bill was ordered to be read the third time on to-morrow, in order to its final passage.

Mr. Green, from the standing committee on the judiciary, to which was recommitted the bill (S. No. 181) declaratory of the law relating to wills, reported the same back with one amendment, which was agreed to; and the bill was ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

Mr. Green, from the standing committee on medical colleges and societies, reported a bill to amend the act entitled an act to regulate the medical and surgical supervision of the commercial hospital and lunatic asylum of Ohio, passed February 26, 1839; which was read the first time.

The following bills of the Senate were read the third time and passed, to wit:

An act to incorporate the parish of St. Alban's church;

An act for the relief of George G. Baker and George R. Lewis;

An act to amend the act entitled an act to incorporate the Batavia turnpike and bridge company;

An act to change the name of the Philomathean literary institute in Guernsey county;

An act to incorporate the protestant evangelical church of Cleveland;

An act to incorporate the Hibernian benevolent society of Cincinnati;

An act to authorize the sale of section sixteen, township five, range two, Jefferson county;

An act further supplementary to an act entitled an act to incorporate the theological seminary of the protestant episcopal church in the diocese of Ohio;

An act to authorize the county commissioners of the several counties of Jefferson, Harrison, Guernsey and Monroe to subscribe to the capital stock of any turnpike or McAdamized road company, or turnpike or McAdamized road companies, when such road or roads shall enter into or pass through any of said counties, or either of them.

Ordered, that the titles be as aforesaid, and that the concurrence of the house be requested.

The following bill of the house was read the third time and passed, to wit:

An act to incorporate the Venice and Milton turnpike road company;

An act to authorize county surveyors in certain cases to survey lands and town lots without the county;

An act to amend the act to incorporate the West Chester, Middletown and Winchester turnpike company;

An act in addition to the act to tax banks, insurance and bridge companies;

Mr. James moved that the further consideration of this bill be indefinitely postponed, upon which question the yeas and nays were demanded, and were, yeas 9, nays 21; as follows, to wit:

Yeas—Messrs. Cox, Fuller, Harlan, James, Morris, Smith, Shannon, Stadden and Vanmetre—9.

Nays—Messrs. Bates, Craighill, Hostetter, Ihrig, Matthews, McLaughlin, Oliver, Rodgers, Stokely, Spangler, Saylor, Shideler, Thompson, Tod, Thomas, Tracy, Utter, Wade, Walton, White and Speaker—21.

So the question was lost.

The question then recurred upon the passage of the bill, upon which question the yeas and nays were demanded, and were, yeas 19, nays 12; as follows, to wit:

Yeas—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews,

McLaughlin, Oliver, Rodgers, Stokely, Spangler, Shideler, Thompson, Tod, Tracy, Utter, Walton, White and Speaker—19.

Nays—Messrs. Cox, Fuller, Harlan, James, Morris, Smith, Shannon, Saylor, Stadden, Thomas, Vanmetre and Wade—12.

An act to attach a part of the county of Lawrence to the county of Gallia;

An act to incorporate the Little Hockhocking bridge company;

An act to amend an act entitled an act to incorporate the German Lutheran and presbyterian congregation in the township of Green, in the county of Columbiana;

An act to incorporate the master and wardens of St. John's lodge, No. 13, in the town of Dayton.

Upon the passage of this bill the yeas and nays were demanded, and were, yeas 17, nays 16, as follows:

Yeas—Messrs. Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Rodgers, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tracy, Utter, White and Speaker—17.

Nays—Messrs. Allen, Bates, Birch, Cox, Fuller, Harlan, James, Morris, Oliver, Smith, Thompson, Tod, Thomas, Vanmetre, Wade and Walton—16.

An act to amend an act entitled, an act for the support and better regulation of common schools, and to create permanently the office of superintendent.

Upon the passage of this bill the yeas and nays were demanded, and were, yeas 20, nays 14, as follows:

Yeas—Messrs. Allen, Bates, Cox, Craighill, Fuller, Holmes, Hostetter, Ihrig, Oliver, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Thomas, Tracy, Utter, Wade and Walton—20.

Nays—Messrs. Birch, Green, Harlan, James, Matthews, McLaughlin, Morris, Rodgers, Smith, Stokely, Stadden, Vanmetre, White and Speaker—14.

Ordered that the titles be as aforesaid, and that the concurrence of the House in the amendments thereto be requested.

A message from the House of Representatives.

Mr. Speaker:

The house has agreed to the resolution of the senate appointing a board of bank commissioners.

The house adheres to its amendments to bill No. 57 of the senate, for the relief of Ethan Stone.

Attest,

W. H. BLODGET, *Clerk.*

A message from the House of Representatives.

Mr. Speaker:

The house has passed the following bills, to which the concurrence of the senate is requested, to wit:

A bill to incorporate the Worthington literati;

A bill to incorporate the citizens' fire company of Chillicothe;

A bill to amend the act entitled, an act to incorporate the Clarkville,



Cuba, Snowhill, New Lexington and Leesburg turnpike road company, passed Jan. 25, 1839;

A bill further to amend an act to incorporate the Hamilton, Ross-ville, Somerville, Newcomb and Eaton turnpike company;

A bill for the relief of George Arnold, guardian of Bennet Dine, a lunatic;

A bill to incorporate the northwestern turnpike road company;

A bill to incorporate the Hamilton and Middletown turnpike company;

A bill to incorporate the town of Johnstown, in the county of Licking;

A bill to incorporate the relief fire company of Zanesville;

A bill to vacate part of a state road in the county of Columbiana;

A bill to incorporate the Lancaster military hall association;

A bill to incorporate the Scioto and Miami railroad company;

The House has passed the following bills of the Senate, to wit:

A bill to incorporate the town of Madison, in the county of Hamilton;

A bill to incorporate the conference printing establishment of the united brethren church, in the town of Circleville, Pickaway county, Ohio, with one amendment, to which the concurrence of the senate is requested.

A bill to incorporate the Fredonia social library association, in the county of Licking;

A bill to amend an act entitled, an act to incorporate the Cincinnati and Whitewater canal company, passed April 6, 1837;

A bill to amend an act entitled, an act to amend the act entitled, an act to authorize the making of indexes to the judicial records in the county of Hamilton, and in other counties of this state, passed March 16, 1836, and for other purposes, passed Jan. 26, 1838;

A bill to amend an act entitled, an act to incorporate the Portsmouth and Hanging Rock turnpike company, passed April 1, 1837;

A bill to change the name of the town of Waterford, in the county of Tuscarawas, with one amendment, to which the concurrence of the senate is requested.

The bill of the senate (No. 134) to incorporate the Kalida steam mill company, was lost in this house on its third reading.

The house has passed a resolution authorizing the board of public works to re-estimate certain work done by James Cook, on the Miami canal north of Dayton, in which the concurrence of the senate is requested.

The Speaker of the house has signed the following enrolled bills, to which the signature of the Speaker of the senate is also requested, to wit:

An act to incorporate the Lebanon and Hopkinsville turnpike company;

An act to incorporate the Marietta and Harmar bridge company;

An act to incorporate the directors of the literary and botanico medical college of Ohio;

An act to incorporate the Fairfield, Yellow-Springs, and Clifton turnpike road company;

An act to authorize a revaluation and sale of a part of section sixteen, in Green county;

An act to authorize the court of common pleas of Pickaway county, to vacate alleys in the town of Circleville, in said county;

An act to incorporate the Woodsfield lyceum;

An act to incorporate the free church of Warrenton, in the county of Jefferson;

An act to authorize the commissioners of Portage county to borrow money.

The following bill has been reported to the House and read the first time, to wit:

A bill to amend the act entitled, an act relating to information in the name of quo warranto, and regulating the mode of proceeding thereon, passed March 17, 1838.

Attest,

W. H. BLODGET, *Clerk*

Thereupon,

The Speaker of the Senate signed the enrolled bills of the House.

The bills from the House were read the first time.

The amendments of the house to the several bills of the senate were agreed to.

Ordered, that the House be informed thereof.

On motion of Mr. Spangler,

The resolution from the house was referred to the standing committee on canals.

Mr. Morris, pursuant to previous notice, asked and obtained leave, and introduced a bill to repeal an act entitled, an act to abolish imprisonment for debt, passed March 19, 1838; which was read the first time.

Mr. Tod, pursuant to previous notice, asked and obtained leave, and introduced a bill supplementary to the act entitled, an act appointing a board of bank commissioners, and for the regulation of banks within the state of Ohio, passed February 25, 1839; which was read the first time.

On motion of Mr. Saylor,

The committee of the whole were discharged from the further consideration of the bill (H. No. 400) to incorporate the Lewisburg and Eaton turnpike road company; and the same was recommitted to the standing committee on railroads and turnpikes.

On motion of Mr. Rodgers,

The resolution providing for a review of the county seat of Lawrence county was taken up, amended and agreed to.

Ordered to the house for concurrence.

On motion of Mr. Green,

The senate reconsidered the vote taken to-day on the indefinite postponement of the bill, (H. No. 313,) to create a lien in certain cases in the town of Zanesville; and the bill was laid upon the table.

Mr. Bates offered the following resolution, to wit:

*Resolved by the General Assembly of the State of Ohio, That the county of Paulding, as heretofore laid off, shall be, and the same is hereby organized into a separate and distinct county, and all suits and prosecutions which shall be pending, and all crimes which shall have been committed within said county of Paulding previous to its organization, shall be prosecuted to final judgment and execution, within the county of Williams in the same manner as they would have been, had not the county of Paulding been organized, and the sheriff, constables and corner of Williams county shall execute within the county of Paulding, such process as shall be necessary to carry into effect such suits, prosecutions and judgments, and the treasurer of the county of Williams, shall collect all such taxes as shall have been levied and imposed within the county of Paulding, previous to the taking effect of this act. That all justices of the peace and constables, within the county of Paulding, shall continue to exercise the duties of their respective offices until their term of service expires, in the same manner as if the county of Paulding had remained attached to the county of Williams. That on the first Monday of May next, the legal voters within the said county of Paulding, shall assemble within their respective townships, at the place of holding elections, and elect their several county officers, who shall hold their offices until their next annual election. That the court of said county shall be held in the town of New Rochester until the legislature further direct; and that the said county of Paulding, when organized, shall be attached to the 13th judicial circuit, and the court of common pleas in said county shall be held on the first day of October next.*

On motion of Mr. Spangler,

The resolution was referred to the standing committee on the judiciary.

On motion of Mr. Utter,

The bill, (S. No. 159,) to incorporate the Clermont agricultural seminary, was taken up, and the further consideration thereof postponed until the first Monday in December next.

On motion of Mr. Fuller,

The bill, (S. No. 99,) to incorporate the city of Cleveland, and for revising and repealing all laws heretofore enacted on that subject, was taken up, and the further consideration thereof was postponed until the first Monday in December next.

On motion of Mr. Shannon,

The bill, (H. No. 58,) to divorce Mary Ellen Inskeep from her husband Wm. H. Inskeep, was taken up, and the recommendation of the standing committee on the judiciary, that the further consideration thereof be indefinitely postponed, was disagreed to.

The question then recurred upon ordering the bill to be read a third time, in order to its final passage; upon which question the yeas and nays were demanded, and were, yeas 14, nays 13; as follows, to wit:

Yeas—Messrs. Birch, Holmes, Hostetter, Matthews, McLaughlin, Rodgers, Stokely, Shannon, Saylor, Shideler, Stadden, Thompson, Wade and White—14.



**Nays**—Messrs. Cox, Fuller, Harlan, James, Morris, Oliver, Smith, Tod, Thomas, Tracy, Utter, Vanmeter and Speaker—13.

So the question was carried, and the bill was ordered to be read a third time on to-morrow.

On motion of Mr. Green,

The resolution providing for the purchase of land adjoining the lunatic asylum for the use of said institution, was taken up, amended, and on the question of agreeing to the resolution, the yeas and nays were demanded, and were, yeas 25, nays 4; as follows, to wit:

**Yeas**—Messrs. Allen, Bates, Birch, Cox, Craighill, Fuller, Green, Harlan, Hostetter, James, Morris, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Tod, Vanmeter, Wade, Walton, White and Speaker—25.

**Nays**—Messrs. Ihrig, McLaughlin, Thompson and Utter—4.

So the question was carried.

Ordered to the house for concurrence.

Mr. Walton offered the following resolution; which was agreed to, to wit:

*Resolved by the General Assembly of the State of Ohio, That one thousand copies of the report of the standing committee on banks and the currency, upon so much of the Governor's annual message as relates to that subject, presented by Mr. Tod in the senate, March 6, 1839, be printed for the use of the members of this General Assembly.*

Ordered to the house for concurrence.

On motion of Mr. Spangler,

The resolution of the house in relation to the balance of the three per cent fund belonging to the state of Ohio, in the treasury of the United States, was taken up, amended and agreed to.

Ordered that the house be informed thereof, and that their concurrence in the amendments thereto be requested.

On motion of Mr. Saylor,

The senate resolved itself into a committee of the whole, Mr. Tod in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported back the following bills, to wit:

H. No. 324. An act to incorporate the Rossville and Deavertown turnpike road company;

H. No. 325. An act to incorporate the Wilmington and London turnpike company;

H. No. 329. An act to incorporate the Malta lyceum;

H. No. 15. An act to amend the act entitled an act to incorporate the Gallipolis and Chillicothe turnpike company, and the act amendatory hereto;

H. No. 343. An act to incorporate the wardens and vestrymen of St. Matthew's church, in the township of Madison, county of Muskingum;

H. No. 341. An act making a special appropriation of the three per cent fund for the county of Knox;

H. No. 371. An act to establish a graded state road from Lancaster to McArthurstown, without amendment; which bills were severally ordered to be read a third time on to-morrow in order to their final passage; also,

H. No. 275. An act to amend the act entitled, an act to incorporate the Perry improvement company, without amendment.

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on canals;

H. No. 38. An act for the relief of David Hayward and Thomas Sands, without amendment.

On motion of Mr Stadden,

The bill was recommitted to the standing committee on schools and school lands.

H. No. 328. An act in relation to the duty of sheriffs, and the sale of lands on execution, with one amendment.

On motion of Mr. Fuller,

The bill was recommitted to the standing committee on the judiciary.

H. No. 349. An act to extend the time of payment of school section sixteen in Holmes county, without amendment.

On motion of Mr. Fuller,

The bill was recommitted to the standing committee on schools and school lands.

On motion of Mr. Harlan,

The bill, (H. No. 109,) to amend an act entitled, an act to abolish imprisonment for debt, passed March 19, 1838, was taken up and amended.

Mr. Stokely moved further to amend the bill by striking out the second section thereof; which was in the following words, to wit:

Sec. 2. No order shall be made for such *capias* unless an affidavit be first filed by the plaintiff, his agent, or attorney, with the judge or clerk to whom application for such order is made, setting forth the amount due, or the damages sustained, as near as may be; also setting forth, either,

1st. That the defendant, or if there be more than one defendant, that the defendants, is or are about to leave the State of Ohio, unless forthwith apprehended; or,

2d. That such defendant or defendants is or are about to convey away, or to transfer his or their property for the purpose of hindering, delaying, or defrauding his or their creditors; or,

3d. That such defendant or defendants is or are concealing his or their property or money, for the purpose of evading or delaying the payment of his or their debts; or,

4th. Setting forth specifically any other cause which may satisfy the judge or clerk to whom such application is made, that the security of the creditor requires the defendant or defendants should be arrested.

Upon this question,

Mr. Stokely demanded the yeas and nays, which were ordered, and were, yeas 23, nays 8, as follows:

Yeas—Messrs. Bates, Birch, Cox, Fuller, Harlan, Hostetter, Matthews, McLaughlin, Morris, Oliver, Rodgers, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tracy, Utter, Vanmetre, Wade, White and Speaker—23.

Nays—Messrs. Allen, Craighill, Green, Ihrig, Smith, Thompson, Tod, and Walton—8.

So the question was carried.

The bill was further amended, when,

Mr. Harlan moved to amend the bill by striking out all after the enacting clause thereof, except the 6th and 9th sections, and inserting the following:

“That all laws and parts of laws repealed expressly or impliedly, by the act entitled, an act to abolish imprisonment for debt, passed March 19, 1838, are hereby revived, and the above entitled act, passed March 19, 1838, is hereby repealed.”

Upon this question the yeas and nays were demanded, and were ordered, and were, yeas 17, nays 13, as follows:

Yeas—Messrs. Allen, Birch, Cox, Fuller, Harlan, James, Matthews, Morris, Oliver, Rodgers, Smith, Shannon, Spangler, Thomas, Utter, White and Speaker—17.

Nays—Messrs. Craighill, Green, Hostetter, Ihrig, Stokely, Saylor, Stadden, Thompson, Tod, Tracy, Vanmeter, Wade and Walton—13.

So the question was carried.

Mr. Tod then moved to recommit the bill to the standing committee on the judiciary; upon which question the yeas and nays were demanded, which were ordered, and were, yeas 18, nays 14, as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Craighill, Fuller, Hostetter, James, Oliver, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy and Walton—18.

Nays—Messrs. Cox, Green, Harlan, Ihrig, Matthews, Morris, Rodgers, Smith, Thomas, Utter, Vanmeter, Wade, White and Speaker—14.

So the question was carried.

On motion of Mr. James,

The bill (H. No. 331) making special appropriations for works of internal improvements, for the year 1839, was taken up.

The question was announced to be on agreeing to the amendments proposed thereto by the standing committee on finance.

Mr. Thompson moved to amend the first amendment proposed by the committee, in sec. 2, line 2, by striking out the words “one hundred and,” so as to reduce the appropriation to the Maumee and Western Reserve road, from one hundred and fifty, to fifty thousand dollars; upon which question the yeas and nays were demanded, which were ordered, and were, yeas 15, nays 18, as follows:

Yeas—Messrs. Allen, Birch, Hostetter, Morris, Stokely, Saylor, Shideler, Stadden, Thompson, Thomas, Tracy, Utter, Wade, Walton and White—15.



Nays—Messrs. Bates, Cox, Craighill, Fuller, Green, Harlan, Holmes, Ihrig, James, Matthews, Oliver, Rodgers, Smith, Shannon, Spangler, Tod, Vanmetre and Speaker—18.

So the question was lost.

Mr. Thompson then moved to amend the amendment in the same line, by striking out the words, "and fifty," so as to reduce the appropriation to the said road to one hundred thousand dollars; upon which question the yeas and nays were demanded, and were, yeas 20, nays 13, as follows:

Yeas—Messrs. Allen, Birch, Harlan, Holmes, Hostetter, Ihrig, Morris, Oliver, Stokely, Saylor, Shideler, Staaden, Thompson, Tod, Thomas, Tracy, Wade, Walton, Utter and White—20.

Nays—Messrs. Bates, Cox, Craighill, Fuller, Green, James, Matthews, Rodgers, Smith, Shannon, Spangler, Vanmetre, and Speaker—13.

So the question was carried.

Mr. Tod moved to amend the amendment in sec 3, line 17, after the word "works," by inserting the following:

"With the faith of the state that a sufficient amount of tolls shall be collected upon the respective works, to meet said interest."

Upon this question the yeas and nays were demanded, which were ordered, and were, yeas 8, nays 25, as follows:

Yeas—Messrs. Bates, Ihrig, Saylor, Thompson, Tod, Wade, Walton and White—8.

Nays—Messrs. Allen, Birch, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, James, Matthews, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Shideler, Thomas, Tracy, Utter, Vanmeter and Speaker—25.

So the question was lost.

The question then recurred upon ordering the bill to be read a third time on to-morrow, in order to its final passage; upon which question the yeas and nays were demanded, and were, yeas 25, nays 8, as follows:

Yeas—Messrs. Bates, Birch, Cox, Craighill, Fuller, Green, Harlan, Hostetter, James, Matthews, McLaughlin, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Tod, Thomas, Tracy, Vanmetre, Walton and Speaker—25.

Nays—Messrs. Allen, Holmes, Ihrig, Morris, Thompson, Utter, Wade, and White—8.

So the question was carried, and the bill was ordered to be read the third time on to-morrow.

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Smith in the chair, on the orders of the day; and after some time spent therein, the committee rose and reported back the following bills, to wit:

H. No. 360. An act to establish a state road in the counties of Franklin, Delaware and Marion;

H. No. 369. An act to establish a state road in the counties of Darke and Mercer;

H. No. 365. An act to change the location of the state road from Palestine, in Darke county, to the Indiana state line;

H. No. 370. An act to authorize a review and change of a part of the state road from Proctor's store, to the town of Patriot;

H. No. 363. An act to authorize a graded state road in Morgan and Athens counties;

H. No. 362. An act to authorize a graded state road in Morgan county;

H. No. 367. An act to change part of a state road leading from Worthington to Galena;

H. No. 373. An act to vacate part of a state road in the county of Butler;

H. No. 364. An act to establish a state road in the counties of Sandusky and Seneca;

H. No. 361. An act to authorize a graded state road from Cole run post office, to intersect the graded state road from Cumberland, in Guernsey county, to Sharon, in the county of Morgan;

H. No. 353. An act to lay out and establish a graded state road in the counties of Tuscarawas, Carroll and Columbiana;

H. No. 348. An act to incorporate the town of Springfield, in the county of Hamilton;

H. No. 356. An act to incorporate the Meigs county high school and teachers' institute; without amendment.

Which bills were severally ordered to be read a third time on tomorrow, in order to their final passage.

Also (H. No. 372) an act to authorize a state road in the county of Williams, without amendment.

On motion of Mr. Thompson,

The further consideration of the bill was postponed until the first Monday in December next.

#### A message from the House of Representatives.

Mr. Speaker:

The Speaker of the house has signed the following enrolled bills to which the signature of the Speaker of the senate is also requested, viz:

An act to incorporate the Monroe academical association;

An act to incorporate the Perrysburg high school company in the county of Warren;

An act to provide for the erection of a bridge in the county of Clermont;

An act to incorporate the Barnesville male academy, in the county of Belmont;

An act to incorporate fire company No. 1, in the town of Perrysburg;

An act to incorporate the wardens and vestry of all-saints' church of Portsmouth in the county of Scioto;

An act to repeal the law incorporating the town of Florence in Huron county;

An act to amend an act entitled, an act to open and secure the navigation of the Scioto river, and for other purposes, passed Feb. 8, A. D. 1819;

An act to provide for the extension of the Walhonding canal up the Kilbuck creek to Millersburg in the county of Holmes;

An act to incorporate the Perrysburg steam mill company;

An act to incorporate the Moscow and Williamsburg turnpike road company;

An act to incorporate the Elizabethtown circulating library society in the county of Licking;

An act for the relief of Morris Seely;

An act to extend the time of making payment by the purchasers of the lands of the salt reservation in the county of Jackson;

An act to incorporate the Frieder's German reformed and evangelical Lutheran church in the county of Clark;

An act to incorporate the Conneaut lyceum;

An act to incorporate the methodist book concern at Cincinnati;

An act to authorize and encourage the establishment of agricultural societies in the several counties in this state, and regulate the same;

An act to incorporate the Claridon draining company in the county of Geauga;

An act to incorporate the town of Rochester in the county of Coshocton;

An act to incorporate the Findley railroad company;

An act for the support and better regulation of the public schools in the town of Zanesville;

An act to incorporate the town of Royalton in Fairfield county;

An act to incorporate the town of Patriot in the county of Gallia;

An act to regulate the fees of clerks in cases of naturalization;

An act to incorporate the Perrysburg lyceum and library association;

An act to authorize a state road in the counties of Sandusky and Seneca;

An act to amend the act entitled, an act to incorporate the town of Dayton in the county of Montgomery, and the several acts amendatory thereto;

An act to incorporate the Milan and Elyria turnpike company;

An act to amend the act entitled, an act to alter the name of Paris in the counties of Richland and Huron, to that of Plymouth, and to incorporate said town;

An act to divide the township of Dayton in two election districts;

An act to incorporate the union German reformed church in the county of Clark; also,

A resolution authorizing the Speakers to audit the postage of members, &c.

Attest:

W. H. BLODGET, *Clerk.*



Thereupon,

The Speaker of the senate signed the enrolled bills and resolutions from the house.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, to which the concurrence the Senate is requested, to wit:

A bill to repeal the act entitled an act to incorporate the Farmers' Bank of Canton, and the act amendatory thereto, passed December 28, 1826, entitled an act to enable the Farmers' Bank of Canton to close its concerns, and for other purposes;

A bill to amend the act granting licenses and regulating taverns.

The house has passed the following bill of the senate, with some amendments, to which the concurrence of the senate is requested, to wit:

A bill to incorporate Troy city in the county of Tuscarawas.

The House has agreed to the amendments of the Senate to the following bills of the House, to wit:

A bill to incorporate the Wapakonetta and St. Mary's railroad company;

A bill to exempt section No. twenty-nine in the original surveyed township of Springfield, in the county of Hamilton, from revaluation;

A bill supplementary to an act making certain instruments of writing negotiable, passed Feb. 25, 1820.

The house adhere to their disagreement to the 2d and 4th amendments of the senate to the bill of the house, (No. 445,) appointing trustees of the Miami university.

The house has disagreed to the amendments of the senate to the resolution of the house, sanctioning the plans of the new state house.

The Speaker of the house has signed the following enrolled bills, to which the signature of the Speaker of the senate is also requested:

An act to incorporate St. John's church at Wakeman in the county of Huron;

An act to amend the act to provide for draining certain ponds in the county of Butler, passed March 2, 1838;

An act relating to the stockholders of the Manhattan Bank at Manhattan, Ohio;

An act to amend the act entitled an act incorporating the Cleveland and Warren railroad company;

An act to incorporate the first orthodox presbyterian church in Fredericktown in the county of Knox;

An act to incorporate the first disciples' church of Euclid in the county of Cuyahoga.

The Speaker of the house has also signed the following resolution, to which the signature of the Speaker of the Senate is requested:

Resolution of the house authorizing the board of public works to construct drains, &c. at Marietta.

The house has passed a resolution authorizing the auditor of Mercer county to select certain lands out of the Miami canal lands; to which the concurrence of the senate is requested.

Attest:

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the senate signed the enrolled bills and resolution from the house.

The bill of the house, (No. 103,) to repeal the charter of the Canton Bank, &c., having been read the first time, Mr. McLaughlin moved that the bill be rejected; upon which question the yeas and nays were demanded, and were, yeas 12, nays 19; as follows, to wit:

Yeas—Messrs. Allen, Cox, Green, Harlan, Hostetter, James, McLaughlin, Smith, Shannon, Thompson, Vanmeter, and Speaker—12.

Nays—Messrs. Bates, Birch, Craighill, Fuller, Holmes, Ihrig, Matthews, Morris, Rodgers, Spangler, Saylor, Shideler, Stadden, Tod, Thomas, Tracy, Utter, Wade and Walton—19.

So the question was lost.

The remaining bill from the house was read the first time.

On motion of Mr. Green,

The Senate adjourned.

Attest:

C. J. McNULTY, *Clerk.*

WEDNESDAY, *March* 13, 1839.

The Senate met pursuant to adjournment.

Mr. Stadden presented a memorial from citizens of Brownsville, in Licking county, remonstrating against the incorporation of said town; which was laid upon the table.

Mr. Fuller, from the standing committee on schools and school lands, to which was recommitted the bill (H. No. 138) for the relief of David Hayward and Thomas Sands, reported the same back without amendment; and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

Mr. Fuller, from the same committee, to which was recommitted the bill (H. No. 349) to extend the time of payment of school section sixteen in Holmes county, reported the same back without amendment, and recommended that it be passed.

The bill was then ordered to be read the third time on to-morrow, in order to its final passage.

Mr. Morris, from the joint committee of enrollment, reported that the committee had examined and found duly enrolled the following bills, to wit:

An act to lay out and establish a graded state road in the counties of Carroll and Harrison;

An act supplementary to an act making certain instruments of writing negotiable, passed February 25, 1820;

An act ceding to the United States the jurisdiction of certain lands in the township of Huron, in the county of Huron, for a certain purpose;

An act to exempt section number twenty-nine in the original surveyed township of Springfield, in the county of Hamilton, from revaluation;

An act to incorporate the Brooklin centre academy;

An act to amend an act entitled an act to incorporate the firemen's insurance company of Cleveland;

An act ceding to the United States the jurisdiction of certain land on Cedar Point entrance of Sandusky Bay, in the county of Erie, for a certain purpose;

An act to authorize the school directors of the borough of Ashtabula to remit the tax for building school houses in certain cases.

Mr. Saylor, from the standing committee on rail roads and turnpikes, to which was recommitted the bill (H. No. 400) to incorporate the Lewisburg and Eaton turnpike road company, reported the same back with sundry amendments, which were agreed to; and the bill was ordered to be read the third time on to-morrow, in order to its final passage.

Mr. Matthews, from the standing committee on canals, to which was recommitted the resolution from the house, appointing appraisers to view and estimate damages sustained by Henry Wharton, by the improvement of the Muskingum river, reported the same back without amendment, and recommended that the further consideration thereof be postponed until the first Monday in December next; which was agreed to.

Mr Matthews, from the standing committee on canals, to which was recommitted the resolution from the house, providing for the adjustment of the account of Jacob L. Vance, reported the same back without amendment, and recommended its passage.

On motion of Mr. Thomas,

The resolution was laid upon the table.

Mr. Stadden, from the standing committee on the Penitentiary, made the following report, to wit:

(See Appendix, X, p. 85.)

On motion of Mr. Stadden,

The report was laid upon the table.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the resolution providing for the permanent establishment of the line between the counties of Adams and Scioto, reported the same back without amendment.

On motion of Mr. Vanmeier,

The resolution was laid upon the table.

Mr. Smith, from the committee of conference upon the matters of



disagreement between the two houses, in relation to the bill (H. No. 35) further to amend the act entitled an act concerning divorce and alimony, passed 7th January, 1824, made the following report, which was agreed to, to wit:

The committee of conference, upon the matters of disagreement between the two houses in relation to bill No. 35 of the house, an act further to amend the act entitled an act concerning divorce and alimony, passed 7th January, 1824, have freely conferred together and unite in recommending to their respective houses as follows, to wit:

1st. That the proviso to the first section of the bill as it passed the house, be amended by striking out the words "*and degree,*" in the 16th line of 1st section, and that *as thus amended*, the senate recede from its amendment striking it out, and that it be retained as part of the bill.

2d. Add after the word "Provided," in the 5th amendment of the senate, the word "also," and that *as thus amended*, the house recede from its disagreement to that proviso, and that it be retained as a second proviso to the first section of the bill.

3d. That the house recede from its amendment to the fifth amendment of the senate.

4th. That the house recede from its disagreement to the sixth amendment of the senate, which is to strike out the second section of the engrossed bill.

5th. That the senate recede from its seventh amendment.

6th. That the senate recede from its eighth amendment, and that section 4 of engrossed bill read section 2.

Ordered that the house be informed thereof.

Mr. Green, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 221) to punish certain crimes therein named, reported the same back with sundry amendments, which were agreed to; and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

H. No. 103. A bill to repeal the act entitled an act to incorporate the Farmers' Bank of Canton, and the act amendatory thereto, passed December 28th, 1826, entitled an act to enable the Farmers' Bank of Canton to close its concerns, and for other purposes;

H. No. 471. A bill to amend the act granting licenses and regulating taverns;

H. No. 468. A bill further to amend an act to incorporate the Hamilton, Rossville, Somerville, Newcomb and Eaton turnpike company;

H. No. 455. A bill to incorporate the Worthington literati;

H. No. 469. A bill to incorporate the citizens' fire company of Chillicothe;

H. No. 461. A bill for the relief of George Arnold, guardian of Bennet Dine, a lunatic;

H. No. 460. A bill to amend the act entitled an act to incorporate the Clarksville, Cuba, Snowhill, New Lexington and Leesburg turnpike road company, passed January 25, 1839;

H. No. 458. A bill to incorporate the Lancaster military hall association;

H. No. 459. A bill to incorporate the northwestern turnpike road company;

H. No. 470. A bill to vacate part of a state road in the county of Columbiana;

H. No. 452. A bill to incorporate the town of Johnstown, in the county of Licking;

H. No. 464. A bill to incorporate the relief fire company of Zanesville;

H. No. 462. A bill to incorporate the Scioto and Miami rail road company;

H. No. 454. A bill to incorporate the Hamilton and Middletown turnpike company;

S. No. 201. A bill to repeal an act entitled an act to abolish imprisonment for debt, passed March 19th, 1838;

S. No. 202. A bill supplementary to the act entitled an act providing for the appointment of a board of bank commissioners, and for the regulation of banks within the State of Ohio, passed February 25, 1839.

The following bill was read the second time, to wit:

S. No. 200. A bill to amend the act entitled an act to regulate the medical and surgical supervision of the commercial hospital and lunatic asylum of Ohio, passed Feb. 26th, 1839.

On motion of Mr. Oliver,

The constitutional rule was dispensed with, and the bill was ordered to be engrossed for its third reading on to-day, in order to its final passage.

The following bill of the Senate was read the third time and passed to wit:

An act declaratory of the law relating to wills.

On motion of Mr. Green,

The preamble to the bill was stricken out.

On motion of Mr. Green,

The title was so amended as to read, an act to amend the act relating to wills, passed Feb. 18, 1831;

Ordered, that the concurrence of the house be requested.

The following bills of the House were read the third time, and passed, to wit:

An act to incorporate the Wilmington and London turnpike company;

An act to incorporate the Meigs county high school and teachers' institute;

An act to incorporate the Malta lyceum;

An act to incorporate the wardens and vestrymen of St. Matthew's church, in the township of Madison, county of Muskingum;

An act making a special appropriation of the three per cent fund for the county of Knox;

An act to establish a graded state road from Lancaster to McArthurstown;

An act to vacate part of a state road in the county of Butler;

An act to change part of the state road leading from Worthington to Galena;

An act to authorize a review and change of a part of the state road from Proctor's store to the town of Patriot;

An act to establish a state road in the counties of Sandusky and Seneca;

An act to lay out and establish a graded state road in the counties of Tuscarawas, Carroll and Columbiana;

An act to authorize a graded state road in Morgan county;

An act to authorize a graded state road from Cole Run post office, to intersect the graded state road from Cumberland, in Guernsey county, to Sharon, in the county of Morgan;

An act to establish a graded state road in the counties of Darke and Mercer;

An act to amend the act entitled, an act to incorporate the Gallipolis and Chillicothe turnpike company, and the act amendatory thereto;

An act to incorporate the Roseville and Deavertown turnpike road company;

An act to divorce Mary Ellen Inskeep from her husband, Wm. H. Inskeep.

Upon the passage of this bill the yeas and nays were demanded, and were, yeas 18, nays 14, as follows:

Yeas—Messrs. Allen, Birch, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Rodgers, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson. Tracy and Wade—18.

Nays—Messrs. Bates, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Smith, Thomas, Tod, Utter, Vanmetre and Speaker—14.

An act to authorize a graded state road in Morgan and Athens counties;

An act to change the location of the state road from Palestine, in Darke county, to the Indiana state line;

An act to establish a state road in the counties of Franklin, Delaware and Marion;

An act making special appropriations for works of internal improvements for the year 1839.

The title of this bill was so amended as to read, "an act to authorize the commissioners of the canal fund to borrow money for the completion of public works in Ohio, and to regulate the accounts of the sinking fund."

An act to incorporate the town of Springfield, in the county of Hamilton;



An act to incorporate the Hanover, Stillwell and Rossville turnpike road company.

Ordered, that the titles be as aforesaid, and that the concurrence of the house in the amendments thereto be requested.

Mr. Thomas moved that the senate reconsider the vote taken on Monday, on the passage of the bill (H. No. 145) to encourage the culture of silk; upon which question,

Mr. Thompson demanded the yeas and nays, which were ordered, and were, yeas 17, nays 15, as follows:

Yeas—Messrs. Allen, Birch, Cox, Fuller, Green, Hostetter, Morris, Oliver, Stokely, Shannon, Saylor, Shideler, Thomas, Tracy, Vanmeter, Wade, and White—17.

Nays—Messrs. Bates, Craighill, Harlan, Ihrig, James, Matthews, McLaughlin, Smith, Spangler, Stadden, Thompson, Tod, Utter, Walton, and Speaker—15.

So the question was carried.

On motion of Mr. Spangler,

The bill was laid upon the table.

On motion of Mr. Wade,

The senate reconsidered the vote taken on Monday, on the indefinite postponement of the bill (H. No. 324) to incorporate the New Haven hydraulic company, in the county of Huron; and the question again recurring upon the indefinite postponement of the bill, the yeas and nays were demanded, and were, yeas 18, nays 14, as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Shannon, Spangler, Saylor, Stadden, Thompson, Tod, Utter, and Speaker—18.

Nays—Messrs. Birch, Cox, Fuller, Green, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmeter, Wade and White—14.

So the question was carried.

On motion of Mr. Vanmetre,

The resolution providing for a change in the southern termination of the Ohio canal, was taken up.

Mr. Thompson moved to postpone the further consideration thereof until the first Monday in December next; upon which question, the yeas and nays were demanded, and were, yeas 10, nays 21, as follows:

Yeas—Messrs. Allen, Bates, Harlan, Shannon, Saylor, Thompson, Tod, Utter, Wade and Walton—10.

Nays—Messrs. Birch, Cox, Craighill, Fuller, Green, Holmes, Hostetter, Matthews, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Spangler, Shideler, Stadden, Tracy, Vanmetre, White and Speaker—21.

So the question was lost.

Mr. Spangler then moved to amend the resolution by striking out the words, "as soon as may be conveniently done," and inserting, "as soon as in their opinion the interest of the state require it."

Upon this question the yeas and nays were demanded, and were, yeas 24, nays 10, as follows:

Yeas—Messrs. Allen, Birch, Bates, Fuller, Harlan, Holmes, Hostetter, Ihrig, Matthews, Morris, Oliver, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Thomas, Tracy, Utter, Wade, and Walton—24.

Nays—Messrs. Cox, Craighill, Green, James, McLaughlin, Rodgers, Stadden, Vanmetre, White and Speaker—10.

So the question was carried.

Mr. Tod then moved to amend the resolution, as follows:

Line 3, strike out "constructed," and insert "changed."

Line 5, strike out "a side cut or canal," and insert "the southern termination of the Ohio canal by."

Upon this question, the yeas and nays were demanded, and were, yeas 13, nays 19, as follows, to wit:

Yeas—Messrs. Allen, Bates, Holmes, Ihrig, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Utter, Walton and Speaker—13.

Nays—Messrs. Birch, Cox, Craighill, Fuller, Green, Harlan, Hostetter, James, Matthews, McLaughlin, Morris, Rodgers, Smith, Stadden, Thomas, Tracy, Vanmeter, Wade, and White—19.

So the question was lost.

The question then recurred upon the passage of the resolution; upon which question the yeas and nays were demanded, and were, yeas 16, nays 18, as follows:

Yeas—Messrs. Birch, Cox, Craighill, Fuller, Green, Matthews, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Stadden, Tracy, Vanmeter, and White—16.

Nays—Messrs. Allen, Bates, Harlan, Holmes, Hostetter, Ihrig, James, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Thomas, Utter, Wade, Walton and Speaker—18.

So the question was lost.

Ordered that the house be informed thereof.

On motion of Mr. Hostetter,

The committee of the whole were discharged from the further consideration of the bill (H. No. 153) to repeal the act entitled, an act to incorporate the Farmers' Bank of Canton, and the act amendatory thereto, passed December 28, 1826, entitled, an act to enable the Farmers' Bank of Canton to close its concerns, and for other purposes; and the same was taken up.

Mr. Hostetter moved that the further consideration thereof be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 16, nays 17, as follows:

Yeas—Messrs. Allen, Cox, Harlan, Hostetter, James, Ihrig, McLaughlin, Smith, Shannon, Spangler, Saylor, Thompson, Tod, Vanmeter, Walton, and Speaker—16.

Nays—Messrs. Bates, Craighill, Fuller, Green, Holmes, Matthews, Morris, Oliver, Rodgers, Stokely, Shideler, Stadden, Thomas, Tracy, Utter, Wade, and White—17.

So the question was lost.

The question then recurred upon ordering the bill to be read the third time; on which question the yeas and nays were demanded, and were, yeas 10, nays 24, as follows:

Yeas—Messrs. Bates, Craighill, Holmes, Morris, Rodgers, Spangler, Saylor, Shideler, Stadden, and Utter—10.

Nays—Messrs. Allen, Birch, Cox, Fuller, Green, Harlan, Hostetter, Ihrig, James, Matthews, McLaughlin, Oliver, Smith, Stokely, Shannon, Thompson, Tod, Thomas, Tracy, Vanmeter, Wade, Walton, White and Speaker—24.

So the question was lost.

Ordered, that the House be informed thereof.

Mr. Holmes gave notice that on to-morrow he would ask leave to introduce a bill to incorporate the German St. John's church of Cincinnati.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill, to which the concurrence of the Senate is requested, to wit:

A bill to divide the town of Akron, in Portage county, into two school districts.

The House has passed the following bills of the Senate, with amendments, to which the concurrence of the Senate is requested, to wit:

A bill authorizing the city of Cincinnati to purchase and conduct the Cincinnati water works;

A bill to incorporate the Norwalk hook and ladder company, Huron county.

The House has passed the following bills of the Senate, to wit:

A bill to incorporate the first church of the united Brethren in Christ, of Circleville, Pickaway county, Ohio;

A bill to amend an act entitled, an act to incorporate the village of Middleburg in the county of Portage, passed February 27, 1833;

A bill to authorize the fund commissioners of certain counties to loan the surplus revenue to the county commissioners of the said counties, with sundry amendments, to which the concurrence of the Senate is requested;

A bill to amend an act entitled, an act to incorporate the Ripley and Hillsborough turnpike company, passed Feb. 19, 1833, and for other purposes;

A bill to amend an act entitled, an act to incorporate the Steubenville, Cadiz and Cambridge McAdamized road company;

A bill further to amend the act to incorporate and establish the city of Cincinnati, and for revising and repealing all laws and parts of laws heretofore enacted on that subject, with one amendment, to which the concurrence of the Senate is requested;

A bill to amend the act entitled, an act to incorporate the town of Xenia in the county of Green;



A bill to incorporate the Waynesville and Wilmington turnpike company;

A bill to incorporate the Miami silk growing and manufacturing company of Troy, with one amendment, to which the concurrence of the Senate is requested;

A bill to incorporate the Cuyahoga Falls institute;

A bill to incorporate the Cincinnati silk company;

A bill to incorporate the mechanics' society of Richland county;

A bill to incorporate the Fulton iron company of the city of Cleveland.

The House has agreed to the amendments of the Senate to the following bills of the House, to wit:

A bill to authorize county surveyors in certain cases to survey lands and town lots without the county;

A bill to incorporate the Little Hockhocking bridge company.

The House has agreed to the resolution of the Senate for the relief of Jacob Morgan and Guy Nearing.

The House has agreed to the resolution of the Senate for the appointment of directors of the Ohio lunatic asylum, with one amendment, to which the concurrence of the Senate is requested.

The House has agreed to the resolution of the Senate providing for printing additional copies of the report of the standing committee on banks and the currency.

The House has agreed to the resolution of the Senate appointing James Hedges, register of the Virginia military district school lands.

The House has passed a resolution for the relief of W. W. Gault, late keeper of the Ohio Penitentiary, to which the concurrence of the Senate is requested.

The Speaker of the house has signed the following enrolled bills to which the signature of the Speaker of the senate is requested, to wit:

An act to lay out and establish a graded state road in the counties of Carroll and Harrison;

An act supplementary to an act making certain instruments of writing negotiable, passed Feb. 25, 1820;

An act ceding to the United States the jurisdiction of certain lands in the township of Huron, in the county of Huron, for a certain purpose;

An act to amend an act entitled, an act to incorporate the firemen's insurance company of Cleveland;

An act to incorporate the Brooklyn centre academy;

An act to exempt section No. twenty-nine in the original surveyed township of Springfield in the county of Hamilton, from revaluation;

An act ceding to the United States the jurisdiction of certain lands on Cedar Point entrance of Sandusky bay, in the county of Erie for a certain purpose;

An act to authorize the school directors of the borough of Ashtabula, to remit the tax for building school houses in certain cases.

The House has agreed to the resolution of the Senate, authorizing the directors of the Ohio lunatic asylum to purchase certain lands for the use of said asylum.

The House has agreed to the amendments of the Senate to the bill of the House to amend an act entitled, an act for the support and better regulation of common schools, and to create permanently the office of superintendent.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the senate signed the enrolled bills from the house.

The bill from the House was read the first time.

The amendments of the House to the several bills of the Senate were agreed to.

Ordered that the House be informed thereof.

On motion of Mr. Spangler,

The Senate disagreed to the amendment of the House to the resolution of the Senate appointing directors of the Ohio lunatic asylum.

Ordered that the House be informed thereof.

Mr. Spangler moved that the further consideration of the resolution from the House, providing for the adjustment of the claims of William W. Gault, be postponed until the first Monday in December next.

Upon which question the yeas and nays were demanded, and were, yeas 24, nays 7; as follows, to wit:

Yeas—Messrs. Allen, Bates, Cox, Fuller, Harlan, Holmes, Hostetter, James, Matthews, Morris, Oliver, Rodgers, Smith, Shannon, Spangler, Saylor, Thompson, Tod, Thomas, Tracy, Utter, Vanmetre, Wade and Speaker—24.

Nays—Messrs. Birch, Craighill, McLaughlin, Stokely, Stadden, Walton and White—7.

So the question was carried.

Ordered that the House be informed thereof.

The remaining resolution from the House was laid upon the table.

The business undisposed of in the message of yesterday when the Senate adjourned, was taken up, when

Mr. Saylor moved that the Senate recede from their amendments to House bill, No. 445, appointing trustees of the Miami university.

Upon which question the yeas and nays were demanded, and were, yeas 17, nays 14; as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Matthews, McLaughlin, Rodgers, Shannon, Spangler, Saylor, Stadden, Thompson, Tod, Utter, Walton and Speaker—17.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Smith, Stokely, Thomas, Vanmetre, Wade and White—14.

So the question was carried.

Ordered that the House be informed thereof.

The amendments of the House to the bill (S. No. 103) to incorporate Uricksville in the county of Tuscarawas, were agreed to.

On motion of Mr. Green,

The Senate receded from their amendment to the resolution from the House, in relation to the erection of a new state house.

Ordered that the House be informed thereof.

Mr. Craighill offered the following resolution, which was agreed to, to wit:

*Resolved by the General Assembly of the State of Ohio,* That the county commissioners of Sandusky county, are hereby authorized to use a sum of money now in the hands of said commissioners by an act passed April the third, one thousand eight hundred and thirty-seven, for the term of nine months and no longer, for the erection of a bridge across Mud Creek in said county.

Ordered to the House for concurrence.

On motion of Mr. Oliver,

The bill (S. No. 206) to amend the act entitled an act to regulate the medical and surgical supervision of the commercial hospital and lunatic asylum of Ohio, passed Feb. 26, 1839, was taken up, read the third time and passed.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

Mr. Utter then moved that the senate take up the resolution in relation to the review of the county seat of Lucas county.

Mr. Tod moved that the senate proceed to the orders of the day, upon which question the yeas and nays were demanded, and were, yeas 7, nays 22; as follows, to wit:

Yeas—Messrs. Harlan, Morris, Rodgers, Saylor, Tod, White, and Speaker—7.

Nays—Messrs. Allen, Bates, Cox, Craighill, Fuller, Green, Holmes, Hostetter, James, McLaughlin, Oliver, Smith, Stokely, Shannon, Spangler, Stadden, Thompson, Thomas, Tracy, Utter, Vanmeter, and Wade—22.

So the question was lost,

The resolution was then taken up, and again laid upon the table.

On motion of Mr. Tod,

The senate then resolved itself into a committee of the whole, Mr. Green in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported back the following bills, to wit:

H. No. 351. An act to incorporate the Ohio insurance company, with some amendments.

Mr. Walton moved to amend the bill by adding the following as section 18, to wit:

Sec. 18. That the stockholders of said corporation shall be liable in their individual capacities for all debts or liabilities contracted by them in their corporate capacity.

Upon this question, the yeas and nays were demanded, and were, yeas 16, nays 16; as follows, to wit:



**Yeas**—Messrs. Bates, Harlan, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Spangler, Saylor, Stadden, Thompson, Tod, Utter, Walton and Speaker—16.

**Nays**—Messrs. Allen, Birch, Cox, Fuller, Green, James, Oliver, Rodgers, Smith, Stokely, Shannon, Thomas, Tracy, Vanmeter, Wade and White—16.

So the question was lost.

The question then recurred upon ordering the bill to be read the third time, in order to its final passage, upon which question the yeas and nays were demanded, and were, yeas 16, nays 16; as follows, to wit:

**Yeas**—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Rodgers, Smith, Stokely, Saylor, Thomas, Vanmeter, Wade and White—16.

**Nays**—Messrs. Allen, Bates, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Stadden, Thompson, Tod, Tracy, Utter, Walton and Speaker—16.

So the question was lost.

Pending the consideration of the report of the committee;

Mr. Wade moved that the senate adjourn, upon which question the yeas and nays were demanded, and were, yeas 22, nays 10; as follows, to wit:

**Yeas**—Messrs. Bates, Birch, Cox, Fuller, Green, Harlan, Holmes, Hostetter, James, Morris, Oliver, Rodgers, Stokely, Smith, Shannon, Thompson, Thomas, Utter, Vanmeter, Wade, Walton and White—22.

**Nays**—Messrs. Allen, Ihrig, Matthews, McLaughlin, Spangler, Saylor, Stadden, Tod, Tracy and Speaker—10.

So the question was carried; and

The Senate then adjourned.

C. J. McNULTY, *Clerk.*

---

THURSDAY, *March 14, 1839.*

The senate met pursuant to adjournment.

Mr. Wade, from the standing committee on the judiciary, to which was recommitted the bill (S. No. 176) to punish wilful injuries to rail roads, reported the same back with sundry amendments, which were agreed to; and the bill was ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

Mr. Wade, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 328) in relation to the duty of sheriffs and the sale of lands on execution, reported the same back without amendment, and recommended its passage.

The question being on ordering the bill to be read the third time, the yeas and nays were demanded, and were, yeas 17, nays 15; as follows, to wit:

**Yeas**—Messrs. Allen, Birch, Cox, Fuller, Green, Harlan, Matthews, Morris, Oliver, Rodgers, Smith, Stadden, Tod, Thomas, Tracy, Vanmeter and Wade—17.

**Nays**—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, McLaughlin, Stokely, Shannon, Spangler, Saylor, Shideler, Utter, Walton, White and Speaker—15.

So the question was carried, and the bill was ordered to be read the third time on to-morrow.

Mr. Tod, from the standing committee on the judiciary, to which was recommitted the memorial of B. F. Stickney, and the accompanying papers, asked to be discharged from the further consideration thereof, and recommended that the same be postponed until the first Monday in December next, which was agreed to.

Mr. McLaughlin, from the standing committee on canals, to which was recommitted the bill (H. No. 275) to amend the act entitled an act to incorporate the Perry improvement company, reported the same back without amendment and recommended its passage.

The bill was then ordered to be read the third time on to-morrow, in order to its final passage.

Mr. Stokely, from the standing committee on colleges and universities, to which was referred the memorial of the trustees of Franklin college, in the county of Harrison, made the following report, to wit:

(See Appendix, Y, page 88.)

On motion of Mr. Stokely,

The report was laid upon the table.

Mr. McLaughlin, from the standing committee on canals, to which was recommitted the resolution from the house vesting the canal commissioners with certain power to assess all damages that may accrue in the construction of the Mercer county reservoir of the Miami canal extension, reported the same back with one amendment, and recommended that the same be postponed indefinitely, which was agreed to.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 337) to authorize the commissioners of Highland county to sell or lease certain in-lots in the town of New Market in said county, reported the same back without amendment, and recommended that the further consideration thereof be indefinitely postponed, upon which question the yeas and nays were demanded, and were, yeas 27, nays 5; as follows, to wit:

**Yeas**—Messrs. Allen, Birch, Cox, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, James, McLaughlin, Morris, Oliver, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Thomas, Tracy, Vanmeter, Wade, Walton, White and Speaker—27.

**Nays**—Messrs. Craighill, Matthews, Thompson, Tod, and Utter—5.

So the question was carried.

Ordered that the house be informed thereof.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 330) to amend the act entitled an act for the redemption of lands and town lots sold for taxes, passed March 3, 1831, reported the same back with one amendment, which was agreed

to; and on the question, shall the bill be ordered to be read the third time, in order to its final passage, the yeas and nays were demanded, and were, yeas 22, nays 9; as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Craighill, Fuller, Green, Harlan, James, Matthews, McLaughlin, Morris, Oliver, Smith, Shannon, Stadden, Tod, Thomas, Tracy, Vanneter, Wade, Walton and White—22.

Nays—Messrs. Hostetter, Ihrig, Holmes, Rodgers, Spangler, Saylor, Shideler, Thompson and Speaker—9.

So the question was carried, and the bill was ordered to be read the third time on to-morrow.

Mr. Cox, from the standing committee on enrollment, reported that said committee had deposited in the office of the secretary of state, and taken his receipt for the following enrolled acts and resolutions, to wit:

An act to regulate the fees of clerks, in the case of naturalization;

An act to amend the act entitled an act incorporating the Cleveland and Warren railroad company;

An act to incorporate the first disciple church of Euclid in the county of Cuyahoga;

An act to incorporate the first orthodox presbyterian church in Fredericktown in the county of Knox;

An act to authorize and encourage the establishment of agricultural societies in the several counties in this state, and regulate the same;

An act to incorporate the methodist book concern at Cincinnati;

An act to incorporate the Conneaut lyceum;

An act relating to the stockholders of the Manhattan Bank at Manhattan, Ohio;

An act to incorporate the union German reformed church in the county of Clark;

An act to divide the township of Dayton in two election districts;

An act to amend the act entitled an act to alter the name of Paris in the counties of Richland and Huron, to that of Plymouth, and to incorporate said town;

An act to incorporate the Milan and Elyria turnpike company;

An act to amend the act entitled an act to incorporate the town of Dayton in the county of Montgomery, and the several acts amendatory thereto;

An act to authorize a state road in the counties of Sandusky and Seneca;

An act to incorporate the Perrysburg lyceum and library association;

An act to incorporate the town of Patriot in the county of Gallia;

An act to incorporate the town of Royalton, in Fairfield county;



An act for the support and better regulation of the public schools in the town of Zanesville;

An act to incorporate the Findley railroad company;

An act to incorporate the town of Rochester in the county of Coshocton;

An act to incorporate the Claridon draining company in the county of Geauga;

An act to incorporate St. John's church at Wakeman in the county of Huron;

An act to amend the act to provide for clearing certain ponds in the county of Butler, passed March 2, 1838;

An act to incorporate the Freiden's German reformed and evangelical Lutheran church, in the county of Clark;

An act to extend the time of making payment by the purchasers of the lands of the salt reservation in the county of Jackson;

An act for the relief of Morris Seely;

An act to incorporate the Elizabethtown circulating library society, in the county of Licking;

An act to incorporate the Moscow and Williamsburg turnpike road company;

An act to incorporate the Perrysburg steam mill company;

An act to provide for the extension of the Walhonding canal up the Kilbuck creek to Millersburg in the county of Holmes;

An act to amend an act entitled an act to open and secure the navigation of the Scioto river, and for other purposes, passed Feb. 8, A. D. 1819;

An act to repeal the law incorporating the town of Florence in Huron county;

An act to incorporate the wardens and vestry of all-saints' church of Portsmouth in the county of Scioto;

An act to incorporate the fire company number one, in the town of Perrysburg;

An act to incorporate the Barnesville male academy, in the county of Belmont;

An act to provide for the erection of a bridge, in the county of Clermont;

An act to incorporate the Harveysburg high school company, in the county of Warren;

An act to incorporate the Monroe academical association;

An act to incorporate the Woodfield lyceum;

An act to authorize a revaluation and sale of a part of school section 16, in Green county;

An act to authorize the commissioners of Portage county to borrow money;

An act to incorporate the Fairfield, Yellow Spring and Clifton turnpike road company;

An act to authorize the court of common pleas of Pickaway county to vacate alleys in the town of Circleville, in said county;

An act to incorporate the Lebanon and Hopkinsville turnpike company;

An act to incorporate the free church of Warrenton, in the county of Jefferson;

An act to incorporate the Marietta and Harmar bridge company;

An act to incorporate the directors of the literary and botanico medical college of the state of Ohio;

Resolution authorizing the board of public works to construct drains, &c. at Marietta;

Resolution authorizing the Speakers to audit the postage accounts of members, &c.

Mr. Walton, from the standing committee on the judiciary, to which was recommitteed the resolution providing for the organization of the county of Paulding, reported a bill to organize the county of Paulding; which was read the first time.

On motion of Mr. Bates,

The constitutional rule was dispensed with, and the bill was read the second time.

On motion of Mr. Bates,

The constitutional rule was again dispensed with, and the bill was ordered to be engrossed for its third reading on to-day, in order to its final passage.

Mr. White, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled the following acts and resolutions, to wit:

An act for the relief of Caleb Imlay;

An act in addition to the act to tax bank, insurance and bridge companies;

An act to amend the act to incorporate the Westchester, Middletown and Winchester turnpike company;

An act to attach a part of the county of Lawrence to the county of Gallia;

Resolution requesting the Governor to transmit a copy of a certain report, to the honorable secretary of the treasury of the United States;

Resolution authorizing the secretary of state to forward to the county of Erie one copy of Swan's land laws, &c.;

An act to amend an act entitled an act to incorporate the German, Lutheran and Presbyterian congregation in the township of Green in the county of Columbiana;

An act amendatory of an act to amend the act entitled an act to incorporate the city of Columbus in the state of Ohio, passed March 5, 1838;

An act to incorporate the town of Nelsonville, in the county of Athens;

An act to incorporate the Bolivar and Loudonville turnpike or McAdamized road company;

An act to incorporate the wardens and vestry of St. Barnabas' church at New Hagerstown in Carroll county;

An act to incorporate the second presbyterian church and congregation in Newark, Licking county;

An act to incorporate the first congregational society of Parma in the county of Cuyahoga;

An act to incorporate the Little Hockhocking bridge company;

An act to authorize a graded state road in Morgan and Athens counties;

An act to incorporate the master and wardens of St. John's lodge No. 13, in the town of Dayton;

An act to incorporate the Venice and Milton turnpike road company;

An act to vacate part of a state road in the county of Butler;

An act to divorce Mary Ellen Inskeep from her husband William H. Inskeep;

An act to continue Wm. H. Price as canal commissioner;

Mr. Matthews, from the standing committee on canals, to which was recommitteed the resolution authorizing the board of canal commissioners to further examine, with a view to the extension of Mohican canal up the Black Fork of Mohican, from a point in Mason's meadow in Richland county, to Gangas in said county, reported the same back without amendment, and recommended that the further consideration thereof be postponed until the first Monday in December next; which was agreed to.

Mr. McLaughlin, a member of the standing committee on canals, dissented from the above report.

Mr. McLaughlin, from the standing committee on canals, to which was recommitteed the resolution from the house, providing for the adjustment of the claim of Charles Rairey of the county of Franklin, reported the same back without amendment, and recommended that the further consideration thereof be indefinitely postponed; which was agreed to.

Ordered that the house be informed thereof.

Mr. Green, from the standing committee on the judiciary, to which was recommitteed the bill, (H. No. 109,) to amend the act to abolish imprisonment for debt, reported the same back with sundry amendments.

On motion of Mr. Harlan,

The bill and amendments were laid upon the table.

Mr. Tod, from the standing committee on the judiciary, to which was recommitteed the bill, (H. No. 425,) further to amend the act entitled, an act to prohibit the issuing and circulating of unauthorized bank paper, passed Jan. 27, 1846, reported the same back without amendment, with the recommendation from a majority of said committee, himself and Mr. Walton dissenting therefrom, that the further consideration thereof, be postponed indefinitely, upon which question Mr. Tod demanded the yeas and nays, which were ordered, and were, yeas 14, nays 18; as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Green, Harlan, James, McLaughlin, Morris, Smith, Shannon, Saylor, Thompson, Thomas, and Wade—14.



Nays—Messrs. Bates, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, Oliver, Rodgers, Spangler, Shideler, Tod, Tracy, Utter, Vanmeter, Walton, White and Speaker—18.

So the question was lost.

The bill was then amended; and,

On motion of Mr. Green,

Laid upon the table.

Mr. Walton, from the select committee, to which was recommitted the bill, (H. No. 395,) to lay out and establish a graded state road in the county of Guernsey, reported the same back without amendment, and the bill was then ordered to be read the third time on to-morrow in order to its final passage.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

H. No. 172. A bill to divide the town of Akron in Portage county into two school districts.

The following bill of the senate was read the third time and passed.

An act to organize the county of Paulding.

Ordered that the title be as aforesaid, and that the concurrence of the house be requested.

The following bills of the House were read the third time and passed, to wit:

An act for the relief of David Hayward and Thomas Sands;

An act to incorporate the Eaton and Lewisburg turnpike road company;

An act to extend the time of payment of school section sixteen in Holmes county.

Upon the passage of this bill, Mr. Matthews demanded the yeas and nays; which were taken, and were, yeas 19, nays 10; as follows, to wit:

Yeas—Messrs. Birch, Cox, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Stokely, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Vanmeter, Walton and Speaker—19.

Nays—Messrs. Allen, Harlan, Morris, Oliver, Rodgers, Smith, Thomas, Tracy, Utter and Wade—10.

Ordered, that the title be as aforesaid, and that the concurrence of the house in the amendments thereto be requested.

The following bill of the house was read the third time, to wit:

An act to punish certain crimes therein named.

Upon the passage of this bill, the yeas and nays were demanded, and were, yeas 13, nays 16; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, Matthews, Smith, Stokely, Thomas, Tracy, Vanmeter, Wade and Speaker—13.

Nays—Messrs. Allen, Holmes, Hostetter, Ihrig, McLaughlin, Morris, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter and Walton—16.

So the question was lost.

Ordered that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The house has agreed to the several amendments of the senate to the following bill of the house:

The bill (H. No. 34) to incorporate the Fairfield library association, in the county of Huron.

The house has receded from its disagreement to the amendment of the senate to the bill of the house to incorporate the Miamisburg fire insurance company, and agreed to the same.

The house has agreed to the report of the committee of conference, in the subject matter of disagreement between the two houses, in relation to the bill of the house to amend the act entitled, an act concerning divorce and alimony, passed Jan. 7, 1824.

The following bills have been reported to the House and read the first time, to wit:

A bill to lay out and establish a free turnpike road from the town of Lafayette, in the county of Madison, to the town of Urbana, in the county of Champaign;

A bill to repeal the several acts incorporating the Cincinnati college, the Ohio medical college, and the commercial hospital and lunatic asylum of Cincinnati.

The house has passed a resolution in relation to the indexing of the journals of the present general assembly, and completing the records of reports, &c., in which the concurrence of the senate is requested.

Attest, W. H. BLODGET, *Clerk*.

The resolution from the House was agreed to.

Ordered that the house be informed thereof.

The consideration of the report of the committee of the whole senate, made yesterday, was resumed, as follows:

H. No. 375. A bill for the protection of railroads, without amendment.

On motion of Mr. Walton,

The bill was recommitted to the standing committee on the judiciary.

H. No. 377. An act to provide for the erection of a state arsenal, without amendment.

On the question of ordering the bill to be read a third time, the yeas and nays were demanded, and were, yeas 15, nays 15, as follows, to wit:

Yeas—Messrs. Craighill, Fuller, Green, Holmes, Hostetter, James, Matthews, McLaughlin, Oliver, Rodgers, Stokely, Shannon, Saylor, Tod, and Tracy—15.

Nays—Messrs. Bates, Birch, Cox, Harlan, Ihrig, Morris, Smith, Spangler, Shideler, Thompson, Thomas, Utter, Wade, Walton, and Speaker—15.

So the question was lost.

Ordered that the House be informed thereof.

H. No. 350. A bill to incorporate the savings society in the city of

Ohio, without amendment; and the bill was ordered to be read the third time on to-morrow, in order to its final passage.

S. No. 171. A bill to incorporate the Lancaster, Carroll, Pickerington and national road turnpike company, without amendment; and the bill was ordered to be engrossed for its third reading on to-morrow, in order to its final passage.

On motion of Mr. Walton,

The senate reconsidered the vote taken to-day, on the engrossment of the bill S. No. 176) to punish wilful injuries to railroads; and the same was recommitted to the standing committee on the judiciary.

Mr. Wade moved a reconsideration of the vote taken yesterday, on the passage of the resolution to provide for a change in the southern termination of the Ohio canal; upon which question the yeas and nays were demanded, and were, yeas 22, nays 10, as follows:

Yeas—Messrs. Birch, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Shannon, Shideler, Thomas, Tracy, Vanmeter, Wade and White—22.

Nays—Messrs. Allen, Bates, Matthews, Spangler, Saylor, Thompson, Tod, Utter, Walton and Speaker—10.

So the question was carried.

Mr. Green then moved to amend the resolution by adding thereto the following proviso:

*Provided*, that the state shall not be bound or in any manner pledged, after the completion of the work hereby authorized to be constructed, to keep in repair any part of the present line or location of the Ohio canal, below or south of the mouth of said Bear creek.

Upon this question the yeas and nays were demanded, and were, yeas 16, nays 17; as follows, to wit:

Yeas—Messrs. Birch, Cox, Craighill, Fuller, Green, Holmes, James, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Stadden, Vanmeter, and White—16.

Nays—Messrs. Allen, Bates, Hostetter, Ihrig, Matthews, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Thomas, Tracy, Utter, Wade, Walton and Speaker—17.

So the question was lost.

On motion of Mr. Wade,

The resolution was recommitted to Mr. Tod, with instructions to so amend it as to provide simply for a change in the southern termination of the Ohio canal.

On motion of Mr. Craighill,

The committee of the whole were discharged from the further consideration of the bill (H No. 446) to prevent certain injuries to the canals belonging to the state, and for other purposes; and the same was referred to the standing committee on canals.

Mr. Holmes, pursuant to previous notice, asked and obtained leave, and introduced a bill to incorporate the German St. John's church of Cincinnati; which was read the first time.



On motion of Mr. Cox,

The committee of the whole were discharged from the further consideration of the bill (H. No. 471) to amend the act granting licenses and regulating taverns; and the same was referred to the standing committee on the judiciary.

On motion of Mr. Saylor,

The committee of the whole were discharged from the further consideration of the bill (H. No. 454) to incorporate the Hamilton and Middletown turnpike company; and the same was referred to the standing committee on railroads and turnpikes.

On motion of Mr. Morris,

The committee of the whole were discharged from the further consideration of the bill (H. No. 460) to amend the act entitled, an act to incorporate the Clarksville, Cuba, Snowhill, New Lexington and Leesburg turnpike road company, passed Jan. 25, 1839; and the same was referred to the standing committee on railroads and turnpikes.

On motion of Mr. Spangler,

The committee of the whole were discharged from the further consideration of the bill (H. No. 458) to incorporate the Lancaster military hall association; and the same was referred to Mr. Spangler.

On motion of Mr. Rodgers,

The committee of the whole were discharged from the further consideration of the bill (H. No. 441) to incorporate the Hannan Ferry, Mercerville, Patriot and Centreville turnpike company, in the county of Gallia; and the same was referred to the standing committee on railroads and turnpikes.

On motion of Mr. Tod,

The committee of the whole were discharged from the further consideration of the bill (S. No. 202) supplementary to the bill to provide for the appointment of a board of bank commissioners, and for the regulation of banks within the state of Ohio; and the same was taken up.

Mr. McLaughlin moved that the bill be laid upon the table; upon which question,

Mr. Tod demanded the yeas and nays, which were ordered, and were, yeas 21, nays 11—as follows, to wit:

Yeas—Messrs. Allen, Cox, Craighill, Fuller, Green, Harlan, Ihrig, Matthews, McLaughlin, Morris, Rodgers, Smith, Shannon, Saylor, Shideler, Stadden, Thompson, Thomas, Tracy, Wade and Speaker—21.

Nays—Messrs. Bates, Birch, Holmes, Hostetter, Oliver, Spangler, Tod, Utter, Vanmetre, Walton and White—11.

So the question was carried.

Mr. McLaughlin, on leave, from the standing committee on canals, to which was recommitted the bill (H. No. 446) to prevent certain injuries to the canals belonging to the state, and for other purposes, reported the same back with one amendment; which was agreed to, and the bill was ordered to be read a third time on to-morrow, in order to its final passage.

On motion of Mr. Cox,

The bill (H. No. 313) to create a lien in certain cases in the township of Zanesville, was taken up and ordered to be read the third time on to-morrow, in order to its final passage.

On motion of Mr. Green,

The bill (H. No. 240) to lay out and establish a state road in the counties of Pickaway and Franklin, was taken up and ordered to be read the third time on to-morrow, in order to its final passage.

On motion of Mr. Saylor,

The committee of the whole were discharged from the further consideration of the bill (H. No. 468) further to amend an act to incorporate the Hamilton, Rossville, Somerville, Newcomb and Eaton turnpike company, and the same was recommitted to the standing committee on rail roads and turnpikes.

Mr. Utter moved that the resolution providing for a review of the county seat of Lucas be taken up, upon which question the yeas and nays were demanded, and were, yeas 14, nays 18; as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Shannon, Spangler, Saylor, Shideler, Thompson, Utter, Walton and Speaker—14.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Matthews, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokeiy, Tod, Thomas, Vanmetre, Wade and White—18.

So the question was lost.

On motion of Mr. Morris,

The senate resolved itself into a committee of the whole, Mr. Thomas in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported back the following bills, to wit:

H. No. 359. An act to amend an act entitled an act to provide for the sale of the northwest quarter of section No. 27, in township 19, range No. 18, in Richland county, belonging to the original surveyed fractional township No. 18, range 18, in Knox county, passed Feb'y 7, 1838;

H. No. 383. An act to incorporate the Wood county turnpike and draining company;

H. No. 384. An act to incorporate the second presbyterian society of Columbus;

H. No. 374. An act to establish and lay out a state road in the counties of Allen and Hardin;

H. No. 368. An act to vacate part of the state road leading from Columbus to Springfield;

H. No. 379. An act making special appropriation of part of the three per cent fund in the county of Perry;

H. No. 346. An act to enlarge the corporate limits of the town of Zanesville;

H. No. 387. An act to incorporate the town of Alexandria, in the county of Licking;

H. No. 357. An act to incorporate the Oberlin mechanics' steam engine company;

H. No. 386. An act providing for the levying of a school tax in Oxford township, Butler county;

H. No. 383. An act to incorporate the New Hagerstown female seminary;

H. No. 412. An act to incorporate the Cadiz and Mt. Vernon turnpike road company;

H. No. 409. An act to incorporate the town of Reynoldsburg, in the county of Franklin;

H. No. 427. An act to incorporate the regular baptist church of Christ in Bucyrus, in the county of Crawford;

H. No. 428. An act to lay out a state road in the counties of Preble and Butler;

H. No. 429. An act to incorporate the methodist episcopal church of Granger, in Medina county;

H. No. 419. An act to incorporate the first united brethren of Christ's church of Strasburg, in Tuscarawas county;

H. No. 418. An act to incorporate the first methodist episcopal church of Strasburg, Tuscarawas county;

H. No. 417. An act to incorporate the evangelical Lutheran church of Strasburg, in Tuscarawas county;

H. No. 414. An act to incorporate the town of Lima, in the county of Stark;

H. No. 410. An act to incorporate the first baptist church of St. Alban's, in the county of Licking;

H. No. 422. An act to incorporate the German evangelical protestant church of St. John, in the town of Massillon, in the county of Stark;

H. No. 406. An act to incorporate the first congregational society of Avon, in the county of Lorain;

H. No. 402. An act further to amend the act to authorize the president, recorder and trustees of the town of Zanesville to borrow money for the purposes therein specified;

H. No. 423. An act to incorporate the first baptist church at Sunbury, Delaware county, Ohio;

H. No. 416. An act to incorporate the first congregational presbyterian church of Strasburg, in Tuscarawas county;

H. No. 424. An act to incorporate the first baptist church at Millcreek, Delaware county, Ohio;

H. No. 399. An act to incorporate the Auglaize seminary;

H. No. 395. An act to amend an act to incorporate the Hamilton, Rossville, Darrrtown, Oxford and Fairhaven turnpike company;

H. No. 392. An act to incorporate the Sidney, Carysville and Millerstown road company;

H. No. 401. An act to amend the act entitled an act to incorporate the Vermillion and Ashland railroad company, passed March 23, 1837;

H. No. 398. An act to incorporate the Granville fire company, in the county of Licking, without amendment; which bills were severally ordered to be read the third time on to-morrow, in order to their final passage; also,



**H. No. 231.** An act for the disposition of unclaimed costs, without amendment.

On motion of Mr. Spangler;

The bill was recommitted to the standing committee on the judiciary; also,

**S. No. 146.** A bill to amend an act entitled an act regulating the times of holding the judicial courts, without amendment.

On motion of Mr. McLaughlin,

The further consideration of the bill was indefinitely postponed; also,

**H. No. 385.** An act to incorporate the Chagrin Falls manufacturing company, without amendment.

On motion of Mr. Smith,

The bill was recommitted to the standing committee on agriculture; commerce and manufactures; also,

**H. No. 413.** An act to divorce Polly Murphy from her husband Edward Murphy, with one amendment.

On motion of Mr. Smith, .

The further consideration of the bill was indefinitely postponed.

Ordered that the House be informed thereof.

**Also, H. No. 403.** An act to divorce Catharine Wolf from her husband Charles C. Wolf, without amendment.

On motion of Mr. Hostetter,

The further consideration of the bill was postponed until the first Monday in December next.

Ordered, that the House be informed thereof.

**Also, H. No. 156** An act authorizing the auditor of Meigs county to receive the surrender of certain leases of school lands therein named, and to give certificates of purchase therefor, without amendment.

On motion of Mr. Thomas,

The bill was recommitted to the standing committee on schools and school lands; also,

**H. No. 453.** An act to incorporate the State agricultural society, without amendment.

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on agriculture, commerce and manufactures; also,

**H. No. 396.** An act to amend an act entitled an act to provide for the incorporation of townships.

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on the judiciary.

**Also, H. No. 397.** An act to punish betting on elections.

On motion of Mr. Harlan,

The bill was recommitted to the standing committee on the judiciary.

**Also, H. No. 793.** An act to incorporate the town of Bucyrus, in the county of Crawford, without amendment.

On motion of Mr. Smith,

The bill was recommitted to Mr. Allen.

On motion of Mr. Harlan,

The bill (H. No. 109,) amendatory of an act entitled "An act to abol-

ish imprisonment for debt, passed March 19th, 1838, was taken up. The question being on agreeing to the amendment thereto, made by the standing committee on the judiciary,

Mr. Walton moved to amend the amendment by striking out all after the word "that," in first section, first line, and inserting the following, to wit:

If the plaintiff, his agent or attorney shall make and file his affidavit that the defendant or debtor is about to remove his body out of the jurisdiction of the court; or, that the defendant or debtor is not a citizen or resident of this State, it shall be deemed additional cause to those mentioned in the third and fourth sections of the act to which this is an amendment, to entitle such plaintiff to a *capias ad respondendum* or *capias ad satisfaciendum*, as the case may be.

Sec. 2. That so much of the sixth section of the act to which this is an amendment, as requires of the plaintiff or other person to make and deliver a bond before the issuing of mesne or final process, be and the same is hereby repealed.

Sec. 3. This act to take effect after the first day of May next.

Upon which question the yeas and nays were demanded, and were yeas 16, nays 17, as follows, to wit:

Yeas—Messrs. Bates, Birch, Craighill, Hostetter, Ihrig, Matthews, McLaughlin, Stokely, Shannon, Shideler, Thompson, Thomas, Utter, Wade, Walton, and Speaker—16.

Nays—Messrs. Allen, Cox, Fuller, Green, Harlan, Holmes, James, Morris, Oliver, Rodgers, Smith, Spangler, Saylor, Stadden, Tod, Vanmeter, and White—17.

So the question was lost.

The question then recurred upon agreeing to the amendments reported by the standing committee on the judiciary, which was taken by yeas and nays, and decided in the affirmative, yeas 19, nays 14, as follows, to wit:

Yeas—Messrs. Allen, Cox, Green, Harlan, Holmes, Ihrig, McLaughlin, Morris, Rodgers, Smith, Stokely, Spangler, Shideler, Stadden, Thompson, Tod, Vanmeter, White and Speaker—19.

Nays—Messrs. Bates, Birch, Craighill, Fuller, Hostetter, James, Matthews, Oliver, Shannon, Saylor, Thomas, Utter, Wade, and Walton—14.

The amendments were then ordered to be engrossed at the clerk's desk.

Mr. James moved that the bill be read a third time on to day, in order to its final passage, upon which question, the yeas and nays were demanded, and were, yeas 17, nays 17, as follows, to wit:

Yeas—Messrs. Allen, Cox, Green, Harlan, Holmes, Ihrig, James, Morris, Rodgers, Smith, Stokely, Spangler, Stadden, Thompson, Tod, Vanmeter, and Speaker—17.

Nays—Messrs. Bates, Birch, Craighill, Fuller, Hostetter, Matthews, McLaughlin, Oliver, Shannon, Saylor, Shideler, Thomas, Tracy, Utter, Wade, Walton, and White—17.

So the question was lost.

On motion of Mr. Spangler,

The Senate then resolved itself into a committee of the whole, Mr. Saylor in the chair, on the orders of the day, and after sometime spent therein the committee rose and reported back the following bills:

H. No. 466. An act to amend the act entitled an act prescribing the duties of county auditors, passed March 14, 1831;

H. No. 241. An act to amend an act to incorporate the town of Perrysburgh, without amendment; which bills were severally ordered to be read the third time on tomorrow in order to their final passage.

Also, H. No. 407. An act relating to sales of real estate under judgments and decrees within the county of Cuyahoga, without amendment.

On motion of Mr. Fuller,

The bill was laid upon the table.

Also, H. No. 450. An act to incorporate the Scioto and Rush Lake hydraulic company.

On motion of Mr. James,

The further consideration of the bill was indefinitely postponed.

Ordered that the House be informed thereof.

Also (H. No. 449,) a bill for the relief of Arthur Taggart, with one amendment.

On motion of Mr. Hawkins,

The bill was recommitted to the standing committee on the judiciary.

On motion of Mr. Birch,

The bill (H. No. 237) to amend an act to incorporate the Cuyahoga Falls, Medina, Wellington and Norwalk turnpike road company, was taken up and ordered to be read the third time on to-morrow, in order to its final passage.

On motion of Mr. Stadden,

The bill (H. No. 129) to incorporate the town of Brownsville in the county of Licking, was taken up and the further consideration thereof postponed until the first Monday in December next.

Ordered that the House be informed thereof.

Mr. Hostetter moved that the Senate reconsider the vote taken yesterday on ordering the bill (H. No. 351,) to be read the third time, upon which question the yeas and nays were demanded, and were, yeas 23, nays 9, as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Craighill, Fuller, Green, Harlan, Hostetter, Ihrig, James, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Shannon, Saylor, Shideler, Thomas, Vanmeter, Wade, and Speaker—23.

Nays—Messrs. Bates, Holmes, Matthews, Spangler, Stadden, Thompson, Tod, Utter, and Walton—9.

So the question was carried.

The bill was then amended and the question recurring upon ordering the bill to be read the third time, the yeas and nays were demanded, and were, yeas 17, nays 15, as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Fuller, Green, Harlan, James,



Morris, Oliver, Rodgers, Smith, Stokely, Shannon, Saylor, Thomas, Vanmeter, and Wade—17.

Nays—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Spangler, Shideler, Stadden, Thompson, Tod, Utter, Walton, and Speaker—15.

So the question was carried.

And the bill was ordered to be read the third time on to-morrow.

On motion of Mr. Smith,

The bill (H. No. 109,) amendatory of the act entitled an act to abolish imprisonment for debt, passed March 19, 1838, was taken up and ordered to be read the third time on to-morrow, in order to its final passage.

On motion of Mr. Tod,

The Senate then adjourned.

Attest,

C. J. M'NULTY, *Clerk.*

FRIDAY, *March 15, 1839.*

The Senate met pursuant to adjournment.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 375) for the protection of railroads, and the bill (S. No. 176) to punish wilful injuries to railroads, reported the same back, amended and consolidated, as House bill, No. 375, and the same was ordered to be read a third time on to-morrow in order to its final passage.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 377) to punish betting on elections, reported the same back with sundry amendments, which were agreed to.

Mr. Craighill moved that the further consideration of the bill be indefinitely postponed.

Upon which question the yeas and nays were demanded, and were, yeas 11, nays 17; as follows, to wit:

Yeas—Messrs. Craighill, Holmes, Hostetter, Ihrig, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden and Utter—11.

Nays—Messrs. Birch, Cox, Fuller, Harlan, McLaughlin, Morris, Oliver, Smith, Stokely, Tod, Thomas, Tracy, Vanmetre, Wade, Walton, White and Speaker—17.

So the question was lost.

Mr. Stadden then moved to amend the bill in Sec. 1, lines 12 and 13, by striking out the words "five hundred," and inserting in lieu thereof, the word "ten," so as to make the maximum fine ten dollars, instead of \$500; and upon this question the yeas and nays were demanded, and were, yeas 9, nays 19; as follows, to wit:

Yeas—Messrs. Craighill, Holmes, Hostetter, Matthews, Shannon, Saylor, Shideler, Stadden and Utter—9.

Nays—Messrs. Birch, Cox, Fuller, Harlan, Ihrig, McLaughlin,

Morris, Oliver, Rodgers, Smith, Stokely, Spangler, Tod, Thomas, Tracy, Wade, Walton, White and Speaker—19.

So the question was lost.

Mr. Stadden then moved to postpone the further consideration of the bill until the first Monday in December next.

Upon which question the yeas and nays were demanded, and were, yeas 13, nays 19; as follows, to wit:

Yeas—Messrs. Craighill, Holmes, Hostetter, Matthews, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter and Walton—13.

Nays—Messrs. Allen, Bates, Birch, Cox, Fuller, Harlan, Ihrig, McLaughlin, Morris, Oliver, Smith, Stokely, Thompson, Thomas, Tracy, Vanmetre, Wade, White and Speaker—19.

So the question was lost.

The question then recurred on ordering the bill to be read the third time, in order to its final passage.

Upon which question the yeas and nays were demanded, and were, yeas 18, nays 14, as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Cox, Fuller, Harlan, McLaughlin, Morris, Oliver, Smith, Stokely, Thompson, Thomas, Tracy, Vanmeter, Wade, White and Speaker—18.

Nays—Messrs. Craighill, Holmes, Hostetter, Ihrig, Matthews, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Utter and Walton—14.

So the question was carried, and the bill was ordered to be read a third time on to-morrow.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 396) to amend an act entitled, an act to provide for the incorporation of townships, reported the same back without amendment, and recommended that the further consideration thereof be indefinitely postponed, which was agreed to.

Ordered that the House be informed thereof.

Mr. Walton, from the same committee, to which was referred the memorial of Davidson and Cone, asked to be discharged from the further consideration of the subject, and recommended that the memorial and accompanying documents be postponed until the first Monday in December next, which was agreed to.

Mr. McLaughlin, from the standing committee on canals, to which was recommitted the resolution from the House for the relief of Jarvis Cook, reported the same back without amendment.

On motion of Mr. Spangler,

The further consideration of the resolution was indefinitely postponed.

Ordered that the House be informed thereof.

Mr. McLaughlin, from the standing committee on canals, to which was recommitted the resolution from the House, providing for the survey of a canal route in the valley of One Leg and Connotton creeks, reported the same back without amendment, and recommended that

the further consideration thereof be postponed until the first Monday in December next, which was agreed to.

Ordered that the House be informed thereof.

Mr. McLaughlin from the standing committee on canals, to which was referred the memorial of W. Stanberry, Jr. of Licking county, asked to be discharged from the further consideration thereof, and recommended that the same be postponed until the first Monday in December next, which was agreed to.

Mr. McLaughlin, from the standing committee on canals, to which was referred the memorial of Francis W. Adams, of Pike county, asked that the committee be discharged from the further consideration thereof, and recommended that it be postponed until the first Monday in December next, which was agreed to.

Mr. Saylor, from the standing committee on canals, to which they had been recommitted, reported the following bills with sundry amendments, which were agreed to, to wit:

H. No. 454. An act to incorporate the Hamilton and Middletown turnpike company;

H. No. 441. An act to incorporate the Hannan Ferry, Mercerville, Patriot and Centreville turnpike company in the county of Gallia;

H. No. 468. An act further to amend an act to incorporate the Hamilton, Rossville, Somerville, Newcomb, and Eaton turnpike company;

H. No. 460. An act to amend an act entitled an act to incorporate the Clarksville, Cuba, Snow Hill, New Lexington and Leesburg turnpike company, passed January 25, 1839; which bills were severally ordered to be read the third time on to-day, in order to their final passage.

Mr. Utter, from the standing committee on claims, to which was referred the claims of sundry individuals for items of stationery, &c., furnished the State, asked leave to be discharged from the further consideration thereof, which was agreed to.

On motion of Mr. Spangler,

The documents were laid on the table.

Mr. Smith, from the standing committee on the judiciary, to which was referred the memorial of John B. Mahan and other citizens of the State, praying for certain relief to said Mahan, made the following report, to wit:

The standing committee on the judiciary, to which were referred the petition of John B. Mahan, praying for relief, with the accompanying documents; and also the petition of sundry citizens of Ohio, praying the legislature to grant to said Mahan remuneration out of the treasury of the State, have considered the subject, and a majority of the committee submit the following report:

The facts of the case are substantially as follows, to wit:

Sometime during the month of September last, the late Governor



of Ohio issued a warrant under a requisition made upon him by the Governor of the commonwealth of Kentucky, for the arrest and delivery to the authorities of that State, of John B. Mahan, of Brown county, who was charged on two indictments found in the county of Mason, in the said commonwealth of Kentucky, with the crime of aiding and assisting certain slaves, the property of one William Greathouse, to make their escape from the possession of said Greathouse out of, and beyond the State of Kentucky. Accompanying the said requisition, were copies of said indictments, and as far as your committee are advised, the whole of the proceedings were in due form, and in strict conformity with the requisitions of the act of Congress upon that subject. The crime charged in said indictment against said Mahan, by the laws of Kentucky, was punishable by imprisonment in the penitentiary of that State.

By virtue of the warrant so issued, on the seventeenth day of September last, the petitioner was arrested by the sheriff of the county of Brown to whom it was directed, and by him delivered to the agent on behalf of the State of Kentucky, by whom he was conveyed out of the State of Ohio into the State of Kentucky, committed to the jail of the county of Mason, where he was detained for the period of about ten weeks. On the 13th day of November last, he was put upon his trial on one of said indictments; which trial resulted in his acquittal. Upon the other indictment it is understood that a *nolle prosequi* was entered.

The petitioner alleges, that he was wholly, unequivocally and unqualifiedly innocent of the charges set forth in said indictments; that he had not been in the county of Mason where the crime was alleged to have been committed, or any of the adjoining counties of Kentucky, either personally or constructively, by himself, his agent or attorney; or by any paper or document, written or printed, or in any other conceivable possible shape for nearly twenty years. He claims that in consequence of being put upon his trial in a foreign jurisdiction, amongst strangers, with an excited community enlisted against him, and three lawyers in addition to the district attorney, employed to prosecute him, that he was obliged to expend a large sum of money in his defence; that in consequence of being absent from his business and family he sustained heavy losses, the amount of which being added to the sums expended in his defence, makes a sum which he is unable to sustain. He therefore prays the legislature to pass a special act for his relief, providing out of the funds of the State of Ohio, a sum sufficient to indemnify him for his damages: this relief he says he claims, not as an act of mercy or favor, but as an act of justice.

Your committee believe it to be now conceded on all hands that the case of Mr. Mahan was one of extreme hardship. Whatever may have been his abstract opinions upon the subject of slavery and its baleful consequences; or his views of philanthropy, it is a fact which is perhaps no longer susceptible of doubt, that he was not legally guilty of the charge preferred against him in the indictments before referred

to. His case therefore, is one where an innocent man has been unjustly charged with crime, either through malice or mistake; and as a consequence of that charge, has been arrested, removed from his own jurisdiction, imprisoned, tried, but fairly acquitted by the court and jury by whom he was tried. Under such circumstances, where the subject of the unjust prosecution applies to the legislature of his State for remuneration, we should perhaps be careful that our feelings of sympathy should not get the better of our sober judgments.

If the chief executive officer of this State in the exercise of those duties and that discretion which are confided to him by the constitution and laws of the United States and of this State, has in the case of the petitioner acted without authority, or has honestly transcended his authority, and thereby an injury has been inflicted upon him; although the petitioner might be entitled to redress by a prosecution against the party making the arrest; it would be unjust to leave the petitioner to that remedy: it would exhibit a want of magnanimity to refuse him proper reparation for the injury. But if the late Governor did not transcend his proper line of duty, but acted within it, it is difficult to perceive upon what principle this should be made an excepted case, and that relief should be granted in this instance, and refused in other cases equally meritorious.

In the fourth article of the constitution of the United States, it is provided that "a person charged in any State with treason, felony or other crime, who shall flee from justice and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime." By the first section of the law of the United States, entitled, "an act respecting fugitives from justice, and persons escaping from their masters," approved February 12, 1793, it is provided among other things, "that whenever the executive authority of any State in the Union, or of either of the territories northwest or south of the river Ohio, shall demand any person as a fugitive from justice, of the executive authority of any such State or Territory to which such person shall have fled, and shall moreover produce the copy of an indictment found, or an affidavit made before a magistrate of any State or Territory as aforesaid, charging the person so demanded, with having committed treason, felony, or other crime, certified as authentic by the Governor or chief magistrate of the state or territory from whence the person so charged fled, it shall be the duty of the executive authority of the state or territory to which such person shall have fled, to cause him or her to be arrested and secured, and notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear," &c.

It was under the provisions of this act, that the proceedings in the case of Mahan were had; and the committee have seen nothing to convince them that the provisions of that act were not strictly complied with. The act charged to have been committed by Mr. Mahan in

Kentucky, was by the laws of that State a *crime* punished by imprisonment in the penitentiary. Your committee are aware that doubts are entertained of the constitutional power of Congress to pass the act of Feb. 12, 1793; whatever may be the ground for the existence of such doubts, your committee deem it sufficient to say that it is not the duty of the legislative department of the government, and more especially the legislature of a State to pronounce that act unconstitutional: the judiciary is the appropriate tribunal to decide that question; and until they pronounce it unconstitutional, it must be by us considered and taken as a part of the supreme law of the land, reserving to the State Legislature the right of legislation upon the same subject in aid of, and in subordination to that act, and not conflicting with its provisions.

Under these circumstances, however false and groundless may have been the prosecution commenced against Mahan; however the authorities of Kentucky may have been imposed upon by falsehood or misrepresentation, and induced to come to the conclusion that he had committed a crime in Kentucky, and had fled from justice, into the State of Ohio, your committee have not been able to perceive any thing in this case which should distinguish it from many other cases of real or apparent hardship. We know of no greater obligation on the part of the State of Ohio, to indemnify the petitioner for his losses and sufferings in this case, than exists upon the State to remunerate any other individual who may have been given up upon the requisition of the executive authority of another State, removed for trial, but ultimately acquitted. Cases of false prosecution have doubtless heretofore occurred, and will hereafter take place. If we grant relief here, it cannot be consistently refused in any similar case hereafter. Once adopt the precedent, and we must adhere to it, whether the charge be for assisting in the escape of a slave, or in stealing a horse; it would be a precedent which would cause a perpetual drain upon the treasury. But if there be an obligation upon the part of the State in this case to make the remuneration asked for by the petitioner, if indeed, the duty of the government extends thus far, the prayer of the petitioner should be granted without regard to its consequences upon the treasury; but we do not thus understand the obligation of government. It is believed that it has never been understood as embracing cases of this description. If we are bound by any principle of correct legislation to grant to Mr. Mahan the indemnification which he seeks, it would, the committee believe, be difficult to assign a satisfactory reason why we are not equally bound to indemnify every other individual who may be unjustly and wrongfully prosecuted for an alledged violation of our criminal laws before our own courts, subjected to the loss of liberty and property, but finally acquitted. They are obligations of the same character--if the duty exists in the one case, it exists in the other.

Upon a consideration of the whole case, while your committee fully recognize the hardship of this case, and deeply sympathize with the sufferer, they do not recognize any obligation on the part of the State



to grant the remuneration sought by the petitioner. A majority of the committee, therefore recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petitioner ought not to be granted, that the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their papers.

On agreeing to the resolution accompanying the report,

Mr. Smith demanded the yeas and nays, which were ordered, and were, yeas 31, nays 1, as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, Morris, Oliver Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Thomas, Tracy, Utter, Vanmetre, Walton, White and Speaker—31.

Nay—Mr. Wade—1.

So the question was carried.

Mr. Allen, from the standing committee on new counties, to which was referred petitions from sundry citizens of Lucas and Sandusky counties, praying the erection of a new county to be called Salem, reported the same back and recommended that the further consideration thereof be indefinitely postponed, which was agreed to.

Mr. Morris, from the standing committee on agriculture, commerce and manufactures, to which was recommitted the bill (H. No. 453) to incorporate the State agricultural society, reported the same back without amendment, and the bill was ordered to be read the third time on to-day, in order to its final passage.

Mr. James, from the standing committee on finance, to which was recommitted the bill (H. No. 463) making appropriations for the year 1839, reported the same back with sundry amendments.

On motion of Mr. James,

The bill and amendments were laid upon the table.

Mr. Tod, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 231) for the disposition of unclaimed costs, reported the same back with sundry amendments, the first of which was disagreed to, and the remaining amendments reported by the committee, were agreed to.

Mr. Morris moved that the further consideration of the bill be indefinitely postponed.

Upon which question, the yeas and nays were demanded, and were, yeas 11, nays 23, as follows; to wit:

Yeas—Messrs. Birch, Cox, Green, Harlan, James, Morris, Oliver, Stokely, Thomas, White and Speaker—11.

Nays—Messrs. Allen, Bates, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Vanmetre, Wade, and Walton—23.

So the question was lost.

Mr. Tracy then moved to amend the bill by adding the following as an additional section:

That each justice of the peace shall every six months post up in a conspicuous place in his office, the amount of unclaimed fees remaining due, and the name of the individual to which they are due.

Upon this question the yeas and nays were demanded, and were, yeas 17, nays 17, as follows:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Smith, Stokely, Saylor, Stadden, Thomas, Tracy, Vanmetre, Wade and White—17.

Nays—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Rodgers, Shannon, Spangler, Shideler, Thompson, Tod, Utter, Walton and Speaker—17.

So the question was lost.

The question then recurred upon ordering the bill to be read the third time; upon which question the yeas and nays were demanded, and were, yeas 22, nays 12, as follows:

Yeas—Messrs. Allen, Bates, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Thomas, Tracy, Utter, Walton, and Speaker—22

Nays—Messrs. Birch, Cox, Green, Harlan, James, Morris, Oliver, Stokely, Stadden, Vanmetre, Wade and White—12.

So the question was carried, and the bill was ordered to be read the third time on to-morrow.

Mr. Green, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 449) for the relief of Arthur Taggart, reported the same back with sundry amendments; which were agreed to, and the bill was ordered to be read the third time on to-day, in order to its final passage.

Mr. Tod, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 471) to amend the act granting licenses and regulating taverns, reported the same back without amendment; and the bill was ordered to be read the third time on to-day, in order to its final passage.

Mr. Cox, from the joint committee on enrollment, reported that they had examined and found duly enrolled the following bills and resolutions, to wit:

An act to amend an act entitled, an act to incorporate the Cincinnati and Whitewater canal company, passed April 1, 1837;

An act to incorporate the conference printing establishment of the united brethren church, in the town of Circleville, Pickaway county, Ohio;

An act to incorporate the town of Madison, in the county of Hamilton;

An act to incorporate the Cincinnati silk company;

Resolution authorizing the directors of the Ohio lunatic asylum to purchase a certain quantity of land for the use of said asylum;

Resolution rescinding a resolution instructing the secretary of state to cause to be printed and circulated a section of a certain law;

Resolution appointing bank commissioners;

Resolution appointing commissioners of the board of public works;

Resolution appointing a register of the Virginia military district school lands;

Resolution for the relief of Jacob Morgan and Guy Nearing.

Mr. Fuller, from the standing committee on schools and school lands, to which was recommitted the bill (H. No. 156) authorizing the auditor of Meigs county to receive the surrender of certain leases of school lands therein named, and to give certificates of purchase therefor, reported the same back without amendment; and the bill was ordered to be read the third time on to-day, in order to its final passage.

Mr. Oliver, from the standing committee on agriculture, commerce and manufactures, to which was recommitted the bill (H. No. 385) to incorporate the Chagrin Falls manufacturing company, reported the same back with sundry amendments; which were agreed to; and on the question of ordering the bill to be read the third time, the yeas and nays were demanded, and were, yeas 18, nays 11, as follows:

Yeas—Messrs. Allen, Birch, Cox, Fuller, Green, Holmes, Matthews, Morris, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Thomas, Vanmetre, White and Speaker—18.

Nays—Messrs. Harlan, Hostetter, Ihrig, McLaughlin, Saylor, Shideler, Stadden, Thompson, Tod, Utter, and Walton—11.

So the question was carried, and the bill was ordered to be read the third time on to-day, in order to its final passage.

Mr. White, from the committee on enrollment, reported that said committee had examined and found duly enrolled the following acts, to wit:

An act to amend an act entitled, an act to incorporate the Ripley and Hillsborough turnpike company, passed Feb. 19, 1833, and for other purposes;

An act to incorporate the Fredonia social library, in the county of Licking;

An act to amend an act entitled, an act to incorporate the Portsmouth and Hanging Rock turnpike company, passed April 1, 1837;

An act to amend an act entitled, an act to amend an act entitled, an act to authorize the making of indexes to the judicial records in the county of Hamilton, and in other counties of this state, passed March 16, 1836, and for other purposes, passed Jan. 26, 1838;

An act to change the name of the town of Waterford, in the county of Tuscarawas;

An act making a special appropriation of the three per cent fund for the county of Knox;

An act to amend the act entitled, an act to incorporate the Gallipolis and Chillicothe turnpike company, and an act amendatory thereto;

An act to authorize county surveyors in certain cases to survey lands and town lots without the county;



An act to change the location of the state road from Palestine, in Darke county, to the Indiana state line;

An act to change part of the state road leading from Worthington to Galena;

An act to establish a state road in the counties of Sandusky and Seneca;

An act to incorporate the Malta lyceum;

An act to incorporate the wardens and vestrymen of St. Matthew's church, in the township of Madison, county of Muskingum;

An act to establish a graded state road from Lancaster to McArtherstown;

An act to authorize a graded state road in Morgan county;

An act to authorize a review and change of a part of the state road from Proctor's store to the town of Patriot;

An act to authorize a graded state road from Cole Run post office to intersect the graded state road from Cumberland, in Guernsey county, to Sharon, in the county of Morgan;

An act to establish a state road in the counties of Franklin, Delaware and Marion;

An act to establish a state road in the counties of Darke and Mercer;

An act to incorporate the Fairfield library association, in the county of Huron;

An act to lay out and establish a graded state road in the counties of Tuscarawas, Carroll and Columbiana;

An act to amend an act entitled, an act for the support and better regulation of common schools, and to create permanently the office of superintendent.

Mr. Allen, from the select committee to which was recommitted the bill (H. No. 393) to incorporate the town of Bucyrus, in the county of Crawford, reported the same back with sundry amendments; which were agreed to, and the bill was ordered to be read the third time on to-day, in order to its final passage.

Mr. Spangler, from the select committee to which was recommitted the bill (H. No. 458) to incorporate the Lancaster military hall association, reported the same back without amendment; and the bill was ordered to be read a third time on to-day, in order to its final passage.

Mr. Tod, from the select committee to which was recommitted the resolution providing for a change in the southern termination of the Ohio canal, reported the same back with sundry amendments, some of which were agreed to; when,

On motion of Mr. Green,

The resolution and amendments were laid upon the table.

The following bill was read the second time:

S. No. 204. A bill to incorporate the German St. John's church of Cincinnati.

On motion of Mr. Holmes,

The bill was ordered to be engrossed for its third reading, in order to its final passage.

The following bill of the Senate was read the third time and passed, to wit:

An act to incorporate the Lancaster, Carroll, Pickerington and National Road turnpike company.

Ordered, that the title be as aforesaid, and that the concurrence of the House be requested.

The following bills of the House were read the third time and passed:

An act to amend an act entitled an act to provide for the sale of the northwest quarter of section No. 27, in township 19, of range No. 18, in Richland county, and belonging to the original surveyed fractional township No. 18, in range 18, in Knox county, passed February 7, 1838;

An act to vacate part of the state road leading from Columbus to Springfield;

An act to establish and lay out a state road in the counties of Allen and Hardin;

An act making a special appropriation of part of the three per cent fund in the county of Perry;

An act to incorporate the Granville fire company in the county of Licking;

An act to amend the act entitled an act to incorporate the Vermilion and Ashland railroad company, passed March 23, 1837;

An act further to amend the act to authorize the president, recorder and trustees of the town of Zanesville to borrow money for purposes therein specified;

An act to incorporate the first baptist church of St. Alban's, in the county of Licking;

An act to incorporate the town of Lima, in the county of Stark;

An act to incorporate the first congregational presbyterian church of Strasburg, in Tuscarawas county;

An act to incorporate the first evangelical Lutheran church of Strasburg, in Tuscarawas county;

An act to incorporate the first methodist episcopal church of Strasburg, Tuscarawas county;

An act to incorporate the first united brethren of Christ's church of Strasburg, in Tuscarawas county;

An act to incorporate the first baptist church at Sunbury;

An act to incorporate the first baptist church at Mill creek, Delaware county, Ohio;

An act to lay out a state road in the counties of Preble and Butler;

An act to incorporate the methodist episcopal church of Granger, in Medina county;

An act to amend the act entitled an act to incorporate the Clarksville, Cuba, Snowhill, New Lexington and Leesburg turnpike road company, passed Jan'y 25, 1839;

An act further to amend an act to incorporate the Hamilton, Ross-ville, Somerville, Newcomb and Eaton turnpike company;

A bill to incorporate the town of Reynoldsburg, in the county of Franklin;

A bill to amend the act entitled an act prescribing the duties of county auditors, passed March 14th, 1831;

A bill to incorporate the regular baptist church of Christ in Bucyrus, in the county of Crawford;

A bill to incorporate the first congregational society of Avon, in the county of Lorain;

A bill to incorporate the German evangelical protestant church of St. John in the town of Massillon, in the county of Stark;

A bill to amend an act to incorporate the Hamilton, Rossville, Darrtown, Oxford and Fairhaven turnpike company;

A bill to amend the act granting licenses and regulating taverns;

A bill to incorporate the second presbyterian society of Columbus;

A bill to lay out and establish a state road in the counties of Pickaway and Franklin;

A bill to incorporate the State agricultural society;

A bill to incorporate the Hamilton and Middletown turnpike company;

A bill to enlarge the corporate limits of the town of Zanesville;

A bill to incorporate the Wood county turnpike and draining company;

A bill to create a lien in certain cases in the town of Zanesville;

A bill to amend the act entitled an act to incorporate the Perry improvement company;

A bill to amend an act entitled an act to incorporate the Cuyahoga Falls, Medina, Wellington and Norwalk turnpike road company;

An act providing for the levying of a school tax in Oxford township, Butler county;

An act to incorporate the Sidney, Carysville and Millerstown road company;

An act to amend an act to incorporate the town of Perrysburg;

An act to incorporate the New Hagerstown female seminary;

An act in relation to the duty of sheriffs and the sale of lands on execution;

Upon the passage of this bill, the yeas and nays were demanded, and were, yeas 16, nays 14; as follows, to wit:

Yeas—Messrs. Allen, Birch, Cox, Craighill, Fuller, Green, Harlan, Matthews, Oliver, Rodgers, Smith, Stadden, Tod, Thomas, Tracy and Vanmeter—16.

Nays—Messrs. Bates, Holmes, Hostetter, Ihrig, McLaughlin, Stokely, Shannon, Spangler, Saylor, Shideler, Thompson, Utter, Walton and Speaker—14.

So the question was carried.

An act to incorporate the Cadiz and Mount Vernon turnpike road company;

An act for the disposition of unclaimed costs;

An act to incorporate the Chagrin Falls manufacturing company;

An act to incorporate the Lancaster military hall association;

An act for the protection of railroads;

An act to incorporate the Auglaize seminary;



An act to incorporate the Ohio city insurance company;

An act to incorporate the Hannan Ferry, Mercerville, Patriot and Centerville turnpike company, in the county of Gallia;

An act to amend an act entitled an act for the redemption of lands and town lots sold for taxes, passed March 3, 1831;

An act to incorporate the town of Bucyrus, in the county of Crawford;

An act for the relief of Arthur Taggart;

An act to prevent certain injuries to the canals belonging to the State, and for other purposes;

An act to incorporate the town of Alexandria, in the county of Licking.

Ordered that the titles be as aforesaid, and that the concurrence of the House in the amendments thereto be requested.

The following bill of the house was also read the third time, to wit:

An act amendatory of an act entitled an act to abolish imprisonment for debt, passed March 19, 1838.

Mr. Walton moved to recommit the bill to the standing committee on the judiciary, with instructions to amend the bill as proposed by him yesterday, and entered at length on the journal of that day, upon which question the yeas and nays were demanded, and were, yeas 17, nays 16; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Fuller, Holmes, Hostetter, Matthews, McLaughlin, Stokely, Shannon, Saylor, Thompson, Thomas, Tracy, Wade, Walton and White—17.

Nays—Messrs. Cox, Green, Harlan, Ihrig, James, Morris, Oliver, Rodgers, Smith, Spangler, Shideler, Stadden, Tod, Utter, Vanmeter, and Speaker—16.

So the question was carried.

The following bill of the house was read the third time, and

On motion of Mr. Harlan,

Laid upon the table, to wit:

An act authorizing the auditor of Meigs county to receive the surrender of certain leases of school lands therein named, and to give certificates of purchase therefor.

The following bill of the house was read the third time, to wit:

An act to incorporate the saving society in the city of Ohio.

Mr. Bates moved that the further consideration of the bill be indefinitely postponed;

Upon which question the yeas and nays were demanded, and were, yeas 23, nays 11, as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Green, Harlan, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Oliver, Rodgers, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Walton and Speaker—23.

Nays—Messrs. Birch, Cox, Fuller, James, Smith, Stokely, Shannon, Thomas, Vanmetre, Wade and White—11

So the question was carried.

Ordered that the house be informed thereof.

The following bill of the house was read the third time, to wit:

An act to lay out and establish a graded state road in the county of Guernsey.

On motion of Mr. Cox,

The further consideration of the bill was indefinitely postponed.

Ordered that the House be informed thereof.

The following bill of the house was read the third time, to wit:

An act to incorporate the Oberlin mechanics' steam engine company.

The question being,

Shall the bill pass?

It was taken and lost.

Ordered that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The house has passed the following bills to which the concurrence of the senate is requested, to wit:

An act to amend the act entitled an act relating to information in the nature of quo warranto, and regulating the mode of proceeding therein, passed March 11, 1837;

An act to authorize the commissioners of Knox county to borrow money for certain purposes, from the fund of the surplus revenue deposited with said county;

An act to authorize a state road in the counties of Hancock and Henry.

Attest \_\_\_\_\_ W. H. BLODGET, *Clerk.*

The bills from the House were read the first time.

A message from the House of Representatives.

Mr. Speaker:

The house has passed the following bills of the senate, with amendments, to which the concurrence of the senate is requested, to wit:

A bill to incorporate the protestant evangelical church of Cleveland;

A bill to authorize the commissioners of Wood and Hancock counties to subscribe to the capital stock of the Bellefontaine and Perrysburg railroad company, and to borrow money;

A bill to incorporate the methodist episcopal church of Troy city, in the county of Tuscarawas;

A bill to incorporate the Hibernian benevolent society of Cincinnati;

A bill to amend the act entitled an act to incorporate the Batavia turnpike and bridge company;

A bill to amend an act entitled an act to incorporate the Hamilton, Springfield and Carthage turnpike company, passed February 24, 1834;

The house has passed the following bills of the senate, without amendment, to wit:

A bill to authorize the corporate authorities of the town of Wooster to borrow money, for school purposes;

A bill to amend the act entitled an act to incorporate the first presbyterian church of Washington, in the county of Fayette;

A bill to amend an act entitled an act to incorporate the Dayton and Bellefontaine turnpike road company, passed March 9, 1838;

A bill to amend an act of incorporation of the first presbyterian or congregational church and society of Granville in Licking county;

A bill to incorporate the associate reformed church of Knoxville, in the county of Jefferson;

A bill to incorporate the presbyterian church of Malaga in the county of Monroe, under the care government of the General Assembly of the presbyterian church in the United States;

A bill to amend the act entitled an act prescribing the duties of county auditors;

A bill to amend an act to lay out and establish a state road in the counties of Columbiana and Carroll, passed March 4, 1837;

A bill to amend the act entitled an act to incorporate the Vermillion and Birmingham railroad company;

A bill to incorporate the Bellville railroad company;

A bill to amend an act entitled an act to incorporate the town of Albion in the county of Cuyahoga, passed March 5, 1836;

A bill to amend the act entitled an act to incorporate the Hanging Rock and Lawrence furnace railroad company, passed March 9, 1836;

A bill to repeal the 13th section of an act to incorporate the town of Piketown in Pike county, passed Feb. 10, 1838;

A bill to change the the name of the Philomathean literary institute in Guernsey county;

A bill to authorize the trustees of the methodist episcopal church of the town of Newark to sell certain real estate;

A bill further supplementary to an act entitled an act to incorporate the theological seminary of the protestant episcopal church in the diocese of Ohio;

A bill providing for the enlargement of the lock at the mouth of Symms' creek on the Muskingum river;

A bill to authorize the county commissioners of the several counties of Jefferson, Harrison, Guernsey and Monroe to subscribe to the capital stock of any turnpike or McAdamized road company, or turnpike or McAdamized road companies, when such road or roads shall enter into or pass through any of said counties or either of them;

A bill to authorize the commissioners of Fairfield county to construct a bridge across the Ohio canal;

A bill for the relief of James W. Crawford;

A bill to authorize the sale of section sixteen in township five, range two, Jefferson county;



A bill to authorize the commissioners of the county of Hamilton to borrow money;

A bill for the relief of George G. Baker, and George R. Lewis;

A bill to incorporate the Parish of St. Alban's church;

The Speaker of the house has signed the following enrolled bills and resolutions, to which the signature of the Speaker of senate is requested, to wit:

An act to amend the act to incorporate the Westchester, Middletown and Winchester turnpike company;

An act for the relief of Caleb Imlay;

An act in addition to the act to tax banks, insurance and bridge companies;

An act to attach a part of the county of Lawrence to the county of Gallia;

An act to incorporate the Bolivar and Loudonville turnpike or McAdamized road company;

An act amendatory of an act to amend the act entitled an act to incorporate the city of Columbus in the state of Ohio, passed March 5, 1833;

An act to incorporate the wardens and vestry of St. Barnabas' church, at New Hagerstown in Carroll county;

An act to incorporate the second presbyterian church and congregation in Newark, Licking county;

An act to incorporate the first congregational church and society of Parma in the county of Cuyahoga;

An act to amend an act entitled an act to incorporate the German Lutheran and presbyterian congregation in the township of Green in the county of Columbiana;

An act to incorporate the town of Nelsonville in the county of Athens;

An act to incorporate the Coshocton and Cambridge turnpike road company;

Resolution authorizing the secretary of state to forward to the county of Erie, one copy of Swan's land laws, &c.;

Resolution requesting the Governor to transmit a copy of a certain report to the honorable secretary of the treasury of the United States.

The house has agreed to the amendments of the senate to the bill of the house to incorporate the Hanover, Stillwell and Rossville turnpike road company.

Attest, \_\_\_\_\_ W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the senate signed the enrolled bills from the house.

The amendments of the house to the bills of the senate were agreed to.

Ordered that the house be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The house has passed a resolution providing for printing extra copies of the testimony taken by the committee on the Penitentiary, in relation to prison labor, to which the concurrence of the senate is requested.

The house has also passed a resolution providing for preparing indexes to the journals of both branches of this general assembly where the same are not already indexed, to which the concurrence of the senate is requested.

The house has passed the following bills, to which the concurrence of the senate is requested, to wit:

A bill to divorce Jesse Lock from his wife Leah Lock;

A bill to divorce Elizabeth Farrington from her husband George W. Farrington.

The house has indefinitely postponed the following bill of the senate, to wit:

A bill to authorize the county commissioners of Hardin county to subscribe to the capital stock of the Mad River and Lake Erie railroad company, and to convey certain lots.

Attest,

W. H. BLODGET, *Clerk*.

On motion of Mr. Thompson,

The resolution from the house providing for printing the evidence in relation to convict labor in the Penitentiary, was indefinitely postponed.

Ordered that the House be informed thereof.

On motion of Mr. Green,

The resolution from the house in relation to indexing the journals of the general assembly, was laid upon the table.

The bills from the House were read the first time.

A message from the House of Representatives.

Mr. Speaker:

The house has passed the following resolutions to which the concurrence of the senate is requested, to wit:

Resolution appointing commissioners to assess the damages on Hocking Valley canal;

Resolution providing for printing extra copies of the report of the majority of the standing committee on banks and the currency, in the house of representatives;

Resolution authorizing the board of public works to make a survey and estimate of the Black Fork of Mohican from Loudonville to Ganges.

The house has passed the resolution of the senate appointing a trustee for the Ohio institution for the instruction of the blind.

Attest,

W. H. BLODGET, *Clerk*.

On motion of Mr. Thomas,

The resolution from the house in relation to damages on the Hocking Valley canal was recommitted to the standing committee on canals.

On motion of Mr. Green,

The resolution from the house providing for printing the report of the majority of the standing committee on banks and the currency of the house, was laid upon the table.

On motion of Mr. McLaughlin,

The resolution from the house in relation to the survey of a canal route up the Black Fork of the Mohican, in the county of Richland, was laid upon the table.

A message from the House of Representatives.

Mr. Speaker:

The house has passed a resolution authorizing the Secretary of State to procure standard weights and measures.

Also, a resolution for the relief of Jacob L. Vance.

Also, a resolution in relation to the employment of convicts on the new state house, to which the concurrence of the senate is requested.

The house has agreed to the resolution of the senate appointing commissioners to review the county seat of Lawrence county.

The house adheres to its amendment to the resolution of the senate appointing directors of the Ohio lunatic asylum, with one amendment, to which the concurrence of the senate is requested.

The house has agreed to the resolution of the senate, authorizing the commissioners of Sandusky county to use certain moneys now in the hands of said commissioners.

Attest, *W. H. BLODGET, Clerk.*

The resolution from the house in relation to standard weights and measures was rejected.

Ordered that the house be informed thereof.

On motion of Mr. McLaughlin,

The resolution from the house for the relief of Jacob L. Vance, was postponed until the first Monday in December next.

Ordered that the house be informed thereof.

The resolution from the house in relation to the employment of the convicts in the Penitentiary in the erection of the new state house, was agreed to.

Ordered that the house be informed thereof.

On motion of Mr. Spangler,

The senate adhered to their disagreement to the amendment of the house to the resolution of the senate, appointing directors for the Ohio lunatic asylum.

Ordered that the house be informed thereof.

Mr. Hostetter moved that the senate take up the resolution providing for a review of the county seat of Lucas county;



On which question, the yeas and nays were demanded, and were, yeas 19, nays 15; as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Thomas, Utter, Walton and Speaker—19.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Rodgers, Smith, Stokely, Tracy, Vanmetre, Wade, and White—15.

So the question was carried.

The chair announced the question to be on agreeing to the following amendment proposed by Mr. Tod, to wit:

After the word "Resolved," in line one, insert:

That at the general election in October next, it shall and may be lawful for the qualified electors of the county of Lucas to specify upon their tickets the name of the town or city to which they desire the county seat of said county to be located, and at such town or city as shall have received a plurality of votes for this object, in said county, the commissioners shall at a suitable period thereafter, locate the seat of justice of said county: *Provided*, that if the said seat of justice shall be thus located at another point than Toledo, the said city or town where the same may be fixed, shall first secure to the said commissioners such sum of money for the building of county buildings as may have been granted by the city of Toledo, or persons interested therein, and the said donations now made, shall revert to the donors; *And, provided also*, that said city or town shall pay for the materials and expenses already incurred in the erection of county buildings.

Upon this question the yeas and nays were demanded, and were, yeas 9, nays 25; as follows, to wit:

Yeas—Messrs. Cox, Fuller, McLaughlin, Oliver, Stokely, Stadden, Tod, Wade and White—9.

Nays—Messrs. Allen, Bates, Birch, Craighill, Green, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, Morris, Rodgers, Smith, Shannon, Spangler, Saylor, Shideler, Thompson, Thomas, Tracy, Utter, Vanmetre, Walton and Speaker—25.

So the question was lost.

Mr. Bates then moved to amend the resolution as follows, to wit:

After the word "Resolved," in line one, insert:

That the question of the appointment of commissioners to review the seat of justice of Lucas county, be submitted to the electors of said county at the next annual October election, and that the voters of said county designate on their ballots whether they are in favor or against the appointment of commissioners, and that the clerks of the court of common pleas shall certify such ballots to the next general assembly, and if the majority of such ballots are for removal, then the legislature may proceed to appoint commissioners for that purpose, whose duty it shall be to review, and if they think advisable, remove said seat of justice to such place as the interests of the people may require.

Upon this question the yeas and nays were demanded, and were, yeas 18, nays 16; as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Tracy, Utter, Walton and Speaker—18.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Smith, Stokely, Thompson, Tod, Thomas, Vanmeter, Wade and White—16.

So the question was carried.

The question then recurred upon the passage of the resolution;

Upon which question the yeas and nays were demanded, and were, yeas 22, nays 12; as follows, to wit:

Yeas—Messrs. Allen, Bates, Craighill, Fuller, Green, Holmes, Hostetter, Ihrig, James, Matthews, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Thomas, Tracy, Utter, Walton, and Speaker—22.

Nays—Messrs. Birch, Cox, Harlan, McLaughlin, Morris, Oliver, Smith, Stokely, Tod, Vanmetre, Wade and White—12.

So the question was carried.

Ordered to the house for concurrence.

Mr. Walton, from the standing committee on the judiciary, to which was recommitted the bill to amend the act to abolish imprisonment for debt, reported the same back amended in accordance with the instructions.

Mr. Thomas then moved to amend the amendment reported by the committee, by adding the following:

Sec. 3. Any officer having in his hands an execution against the goods and chattels of a judgment debtor, shall have power, by virtue of such execution, to levy upon any money or current bank notes in the possession of such judgment debtor, and apply the same as money made on such execution: *Provided*, that such officer shall not be bound to levy upon bank notes in any case in which the judgment creditor shall have given notice that he will not receive bank notes in payment on such judgments.

Upon this question the yeas and nays were demanded, and were, yeas 8, nays 26, as follows:

Yeas—Messrs. Cox, Fuller, Morris, Rodgers, Stokely, Shannon, Thomas, and Tracy—8.

Nays—Messrs. Allen, Bates, Birch, Craighill, Green, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Oliver, Smith, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Vanmetre, Wade, Walton, White and Speaker—26.

The question then recurred upon the passage of the bill; upon which question the yeas and nays were demanded, and were, yeas 26, nays 8, as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Cox, Craighill, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Morris, Rodgers, Smith, Stokely, Shannon, Shideler, Stadden, Thompson, Tod, Thomas, Tracy, Utter, Vanmeter, Walton, and Speaker—26.

Nays—Messrs. Fuller, Green, Harlan, Oliver, Spangler, Saylor, Wade, and White—8.

So the question was carried.

Ordered, that the titles be as aforesaid, and that the concurrence of the house in the amendments thereto be requested.

On motion of Mr. Vanmetre,

The resolution from the house providing for a change in the southern termination of the Ohio canal was taken up, and the pending amendments were agreed to

The question then recurred upon the passage of the resolution; upon which question the yeas and nays were demanded, and were, yeas 20, nays 13, as follows:

Yeas—Messrs. Allen, Birch, Cox, Craighill, Fuller, Green, Matthews, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Saylor, Shideler, Stadden, Tracy, Vanmeter, Wade and White—20.

Nays—Messrs. Harlan, Holmes, Hostetter, Ihrig, James, Shannon, Spangler, Thompson, Tod, Thomas, Utter, Walton and Speaker—13.

So the question was carried.

Ordered, that the house be informed thereof, and that their concurrence in the amendments thereto be requested.

Mr. McLaughlin offered the following resolution:

*Resolved by the General Assembly of the State of Ohio, That the quarter master general of the state of Ohio be and he is hereby authorized to use the buildings of the old state prison, for the purpose of storing public arms which is or may come to his care; and he is hereby authorized to cause such repairs to be made in said building, as will be suitable for the safe keeping of said public arms.*

On motion of Mr. Green,

The resolution was laid upon the table.

On motion of Mr. Spangler,

The bill (H. No. 463) making appropriations for the year 1839 was taken up, and the pending amendments were agreed to.

Mr. Thompson moved to amend the bill, sec. 1, line 49, by striking out "twenty-five," and inserting "ten," so as to reduce the appropriation to the erection of the new state house.

A division of the question was called for, and the question then turned on striking out; on which question the yeas and nays were demanded, and were, yeas 2, nays 30, as follows:

Yeas—Messrs. Allen, and Thompson—2.

Nays—Messrs. Birch, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Thomas, Tracy, Utter, Vanmeter, Wade, Walton and Speaker—30.

So the question was lost.

The bill was then further amended, and ordered to be read the third time on to-day, in order to its final passage.



On motion of Mr. Fuller,

The Senate resolved itself into a committee of the whole, Mr. Stokely in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported back the following bills, to wit:

H. No. 467. An act to amend an act entitled, an act to authorize the holding of special courts in the county of Cuyahoga;

H. No. 420. An act to revive the act entitled, an act to incorporate the Bellefontaine and Perrysburg railroad company, passed April 3, 1837;

H. No. 433. An act to incorporate the Monroeville fire company, No. 1;

H. No. 443. An act to authorize a review and alteration of a part of the state road from Worthington, in Franklin county, to Marysville, in the county of Union;

H. No. 447. An act to enable the commissioners of Franklin county to sell the poor house of said county, and the lands attached thereto;

H. No. 431. An act to incorporate the New Richmond turnpike road company;

H. No. 451. An act to incorporate the Lithopolis academy;

H. No. 439. An act to incorporate the first methodist episcopal church, in the city of Cleveland;

H. 444. An act to incorporate the first methodist society of Evansport;

H. No. 404. An act to incorporate the relief fire company of Zanesville;

H. No. 470. An act to vacate part of a state road in the county of Columbiana;

H. No. 461. An act for the relief of George Arnold, guardian of Bennet Dine, a lunatic;

H. No. 469. An act to incorporate the citizens' fire company of Chillicothe;

H. No. 459. An act to incorporate the northwestern turnpike road company;

H. No. 455. An act to incorporate the Worthington literati;

H. No. 172. An act to divide the town of Akron, in Portage county, into two school districts, without amendment.

Which bills were severally ordered to be read a third time on tomorrow, in order to their final passage.

Also (H. No. 462) an act to incorporate the Scioto and Miami railroad company, with one amendment.

On motion of Mr. Harlan,

The bill was recommitted to the standing committee on railroads and turnpikes.

Also (H. No. 434) an act to incorporate the Erie insurance company.

On motion of Mr. Thompson,

The bill was indefinitely postponed

Ordered that the house be informed thereof.

Also (H. No. 264) an act making a special appropriation of the three per cent fund within the county of Union, without amendment.

On motion of Mr. Ihrig,

The bill was postponed until the first Monday in December next.

Ordered that the house be informed thereof.

Also, H. No. 440. An act to authorize the directors of school district number two, in Lick township, Jackson county, to borrow money.

On motion of Mr. Holmes,

The bill was indefinitely postponed.

Ordered that the house be informed thereof.

Also, H. No. 442. An act to divorce Roxana Davis from her husband, Luther M. Davis.

On motion of Mr. Harlan,

The bill was indefinitely postponed.

Ordered that the house be informed thereof.

Also, H. No. 282. An act restraining the corporate authorities of the cities of Cleveland and Cincinnati in the exercise of certain powers, and for other purposes.

On motion of Mr. Fuller.

The bill was recommitted to Mr. Fuller.

On motion of Mr. Tod,

The Senate then adjourned.

Attest, \_\_\_\_\_ C. J. McNULTY, *Clerk.*

---

SATURDAY, *March 16*, 1839.

The Senate met pursuant to adjournment.

Mr. Cox presented a petition from citizens of Muskingum county, praying the removal of the first toll gate west of Zanesville, on the National Road; which was laid upon the table.

Mr. Spangler from the standing committee on finance, to which was referred sundry petitions praying the collection of taxes by township collectors, asked to be discharged from the further consideration thereof, and recommended that they be postponed until the first Monday in December next.

Mr. Saylor from the standing committee on railroads and turnpikes, made the following report, which was agreed to, to wit:

The standing committee on railroads and turnpikes to which was referred a resolution instructing said committee to enquire what additional work is to be done on the National Road between Lafayette in Madison county, and Springfield in Clark county, in order to the completion of the said road, and if in their opinion the State has the right to interfere with the said road before its completion and acceptance by the State, that they consider of the expediency of authorizing the Board of Public Works to complete the same, and provide for an appropriation for that purpose, have had the same under consideration and now report:

The committee have not had sufficient time to ascertain precisely what amount of work is required to finish said road between Lafayette in Madison county, and Springfield in Clark county, but from verbal information they are informed that one layer of stone is required yet to finish said road, and that the probable cost would be something like ten or twelve thousand dollars.

The committee are of opinion that the State has no right to interfere with said road until it is completed agreeable to the laws of Congress for the completion of the same, and the acceptance of said road by the State, and therefore think it inexpedient to authorize the Board of Public Works to complete the said road. The committee cannot for one moment believe that Congress will abandon the completion of said road which they are in good faith bound to complete through the western States.

The committee believe that Congress is as much bound in good faith to finish the National Road through the States of Ohio, Indiana and Illinois, as they are bound to pay the three per cent. fund arising from the sales of public lands in the said States.

The committee therefore ask to be discharged from the further consideration of the resolution, and that the same be indefinitely postponed.

Mr. White, from the joint committee on enrollment, report that said committee has examined and found duly enrolled the following acts and resolutions, to wit:

An act to incorporate the Mount Pleasant Boarding School, and to adjust the difficulties existing between the Orthodox and Hicksite society of friends, relative thereto;

An act to incorporate the trustees of the Ravenna Female Seminary;

An act to incorporate the Wapaukonnetta and St. Mary's railroad company;

An act appointing trustees of the Miami University;

An act to incorporate the Miamiesburg Fire insurance company;

An act to extend the time of payment of school section sixteen in Holmes county;

An act to incorporate the Rossville and Deavertown turnpike road company;

An act to incorporate the Meigs county high school and teacher's institute;

An act to incorporate the Wilmington and London turnpike company;

An act to incorporate the Hanover, Stillwell and Rossville turnpike road company;

An act to authorize the fund commissioners of certain counties to loan the surplus revenue to the county commissioners of the said counties;

An act to amend an act entitled "An act to incorporate the village of Middleburg, in the county of Portage," passed February 27th, 1838;



An act to amend the act entitled an act to incorporate the town of Xenia, in the county of Green;

An act to incorporate the Cuyahoga Falls institute;

An act further to amend the act to authorize the president, recorder and trustees of the town of Zanesville, to borrow money for the purposes therein specified;

An act for the relief of David Hayward and Thomas Sands;

An act to establish and lay out a state road in the counties of Allen and Hardin;

An act to vacate part of the state road leading from Columbus to Springfield;

An act to incorporate the first Evangelical Lutheran church of Strasburgh, in Tuscarawas county;

An act to incorporate the first methodist episcopal church of Strasburgh, in Tuscarawas county;

An act to incorporate the Granville Fire company, in the county of Licking;

An act to incorporate the first baptist church of St. Alban's, in the county of Licking;

An act to incorporate the first congregational presbyterian church of Strasburgh, in Tuscarawas county;

An act making special appropriation of part of the three per cent. fund, in the county of Perry;

An act to incorporate the Eaton and Leesburgh turnpike road company;

An act to incorporate the Waynesville and Wilmington turnpike company;

An act to incorporate the Norwalk hook and ladder company, in Huron county;

An act to incorporate the Miami Silk growing and Manufacturing company of Troy;

An act authorizing the city of Cincinnati to purchase and conduct the Cincinnati water works;

An act to amend the act entitled, An act to incorporate the Clarks-ville, Cuba, Snowhill, New Lexington and Leesburgh turnpike road company, passed January 25, 1839;

An act to amend the act entitled an act prescribing the duties of county auditors, passed March 14th, 1831;

An act to incorporate the methodist episcopal church of Granger, in Medina county;

An act further to amend an act to incorporate the Hamilton, Ross-ville, Somerville, Newcomb and Eaton turnpike company;

An act to amend the act entitled, An act to incorporate the Vermil- lion and Ashland rail road company, passed March 23, 1837;

An act to incorporate the first baptist church at Mill Creek, Dela- ware county, Ohio;

An act to incorporate the first baptist church at Sunbury, Delaware county, Ohio;

An act to incorporate the town of Lima, in the county of Stark;

An act to incorporate the first united brethren in Christ's church of Strasburgh, in Tuscarawas county;

An act to amend an act to incorporate the Hamilton, Rossville, Darrtown, Oxford and Fairhaven turnpike company;

An act to amend an act entitled, An act for the redemption of lands and town lots sold for taxes, passed March 3, 1831.

Mr. Cox, from the committee on enrollment, reported that said committee had examined and found duly enrolled, the following bills:

An act further to amend the act entitled, an act concerning divorce and alimony, passed Janury 7th, 1824;

An act to incorporate the Fulton iron company, of the city of Cleveland;

An act to incorporate the first church of the united brethren in Christ, of Circleville, Pickaway county;

An act to amend an act entitled, An act to incorporate the Steubenville, Cadiz and Cambridge McAdamized road company;

An act to incorporate the Mechanics' society of Richland.

Mr. Cox also reported that said committee had deposited in the office of the Secretary of State, and taken his receipt for the following acts, to wit:

An act ceding to the United States the jurisdiction of certain lands in the township of Huron, in the county of Huron, for a certain purpose;

An act to lay out and establish a graded state road in the counties of Carroll and Harrison;

An act supplementary to "An act making certain instruments of writing negotiable," passed February 25, 1820;

An act to incorporate the Brooklin centre academy;

An act to amend an act entitled, An act to incorporate the Firemen's Insurance company of Cleveland;

An act to authorize the school directors of the borough of Ashtabula, to remit the tax for builing school houses in certain cases;

An act ceding to the United States the jurisdiction of certain land on Cedar Point entrance of Sandusky bay, in the county of Erie, for certain purposes;

An act to exempt section No. 29, in the original surveyed township of Springfield, in the county of Hamilton, from revaluation;

An act to incorporate the Coshocton and Cambridge turnpike road company;

An act to incorporate the town of Nelsonville, in the county of Athens;

An act to amend an act entitled "An act to incorporate the German Lutheran and presbyterian congregation, in the township of Green, in the county of Columbiána;"

An act to incorporate the first congregational church and society of Parma, in the county of Cuyahoga;

An act to incorporate the second presbyterian church and congregation in Newark, Licking county;

An act amendatory of an act to amend an act to incorporate the city of Columbus, in the State of Ohio, passed March 5th, 1838;

An act to incorporate the Bolivar and Loudonville turnpike or McAdamized road company;

An act to incorporate the wardens and vestry of St. Barnabas' church at New Hagerstown, Carroll county;

An act to attach a part of the county of Lawrence to the county of Gallia;

An act to amend the act to incorporate the Westchester, Middletown and Winchester turnpike company;

An act for the relief of Caleb Imlay;

An act in addition to the act to tax bank, insurance and bridge companies;

Resolution authorizing the Secretary of state to forward to the county of Erie, one copy of Swan's land laws, &c.;

Resolution requesting the Governor to transmit a copy of a certain report to the secretary of the treasury of the United States.

Mr. Cox, from the standing committee on enrollment, reported that said committee had examined and found duly enrolled the following bills and resolutions, to wit:

An act to incorporate the associate reformed church of Knoxville, in the county of Jefferson;

An act to amend an act of incorporation of the first presbyterian or congregational church and society of Granville, in Licking county;

An act to amend an act entitled an act to incorporate the Vermillion and Birmingham railroad company;

An act to incorporate the presbyterian church of Malaga, in the county of Monroe, under the care and government of the General Assembly of the presbyterian church in the United States;

An act to amend an act to lay out and establish a state road in the counties of Columbiana and Carroll, passed March 4, 1837;

An act to amend an act entitled an act to incorporate the Dayton and Bellefontaine turnpike road company, passed March 9, 1838;

An act to authorize the corporate authorities of the town of Wooster to borrow money for school purposes;

An act to amend the act entitled an act to incorporate the Hanging Rock and Lawrence furnace railroad company, passed March 9, 1836;

An act to incorporate the town of Jacksonville in the county of Tuscarawas;

An act to authorize the commissioners of Fairfield county to construct a bridge across the Ohio canal;

An act to amend an act to incorporate the Hamilton, Springfield and Carthage turnpike road company, passed February 24, 1834;

An act further supplementary to an act entitled an act to incorporate the theological seminary of the protestant-episcopal church in the diocese of Ohio;



An act amend the act entitled an act to incorporate the Batavia turnpike and bridge company;

An act to authorize the county commissioners of the several counties of Jefferson, Harrison, Guernsey and Monroe, to subscribe to the capital stock of any turnpike or McAdamized road company, or turnpike or McAdamized road companies, when such road or roads shall enter into or pass through any of said counties, or either of them.

Resolution appointing trustees of the institution for the instruction of the blind;

Resolution authorizing the commissioners of Sandusky county, to use certain money for the erection of a bridge.

Mr. Morris, from the standing committee on railroads and turnpikes, to whom was recommitted, (H. No. 462,) an act to incorporate the Scioto and Miami railroad company, reported the same back without amendment, and the bill was ordered to be read the third time on to-day in order to its final passage.

Mr. Birch, from the standing committee on roads and highways, to which was referred petitions of sundry citizens of the state of Ohio, praying for an act for the more effectual protection of persons traveling on the public highways, recommended that the further consideration thereof be postponed until the first Monday of December next; which was agreed to.

Mr. Fuller, from the select committee to which was recommitted the bill, (H. No. 282,) to restrain the corporate authorities of the cities of Cincinnati and Cleveland, in the exercise of certain powers, and for other purposes, reported the same back with sundry amendments; which were agreed to, and the bill was ordered to be read the third time on to-day in order to its final passage.

On motion of Mr. Stokely,

The bills were suspended, and he offered the following resolution, to wit:

*Resolved by the Senate and House of Representatives of the state of Ohio,* That the board of public work be, and they are hereby instructed and authorized to cause an accurate examination and survey to be made of Stillwater creek, from Uhrick's mill to its confluence with the Tuscarawas river; and to estimate the cost of constructing a tow-path on the bank of said creek, and the Trenton feeder of the Ohio canal, so as to secure navigation by canal boats, from Uhrick's mill to the Ohio canal; and report said survey and estimate to the next General Assembly.

On motion of Mr. Utter,

The further consideration of the resolution was postponed until the first Monday in December next.

The following bill of the house was read the second time, and,

On motion of Mr. Spangler,

Ordered to be read the third time on to-day in order to its final passage, to wit:

H. No. 472. A bill to authorize a state road in the counties of Hancock and Henry.

The following bill of the House was read the second time, to wit:

H. No. 474. A bill to authorize the commissioners of Knox county to borrow money for certain purposes from the fund of the surplus revenue deposited with said county.

On motion of Mr. Matthews,

The bill was ordered to be read the third time on to-day in order to to its final passage.

The following bill of the House was read the second time, to wit:

H. No. 475. A bill to amend the act entitled an act relating to information in the nature of Quo Warranto, and regulating the mode of proceeding thereon, passed March 11, 1838.

On motion of Mr. Tod,

The bill was recommitted to the standing committee on the judiciary.

The following bill of the house was read the second time, to wit:

H. No. 405. A bill to divorce Jesse Lock from his wife Leah Lock.

On motion of Mr. Spangler,

The further consideration of the bill was indefinitely postponed.

Ordered that the House be informed thereof.

The following bill of the house was read the second time, to wit:

H. No. 473. A bill to divorce Elizabeth Farrington from her husband George W. Farrington.

On motion of Mr. Spangler,

The further consideration of the bill was indefinitely postponed.

The following bill of the Senate was read the third time and passed, to wit:

An act to incorporate the German St. John's church of Cincinnati.

Ordered, that the title be as aforesaid, and that the concurrence of the house be requested.

The following bills of the house were read the third time and passed, to wit:

An act to incorporate the north western turnpike road company;

An act to incorporate the Worthington literati;

An act to authorize the commissioners of Knox county to borrow money for certain purposes from the fund of the surplus revenue deposited with said county;

An act to incorporate the citizens' fire company of Chillicothe;

An act to divide the town of Akron in Portage county, into two school districts;

An act to incorporate the New Richmond turnpike road company;

An act to enable the commissioners of Franklin county to sell the poor-house of said county, and the lands attached thereto;

An act for the relief of George Arnold, guardian of Bennet Dine, a lunatic;

An act to incorporate the first methodist society of Evansport;

An act to incorporate the first methodist episcopal church in the city of Cleveland;

An act to incorporate the Lithopolis academy;

An act to incorporate the Monroeville fire company number one;

An act to vacate part of a state road in the county of Columbiana;

An act to incorporate the relief fire company of Zanesville;

An act to amend an act entitled an act to authorize the holding of special courts in the county of Cuyahoga;

An act to incorporate the Scioto and Miami railroad company;

An act to revive the act entitled an act to incorporate the Bellefontaine and Perrysburg railroad company, passed April 3, 1837;

An act restraining the corporate authorities of the cities of Cincinnati and Cleveland in the exercise of certain powers, and for other purposes.

Upon the passage of this bill, Mr. Fuller demanded the yeas and nays; which were ordered, and were, yeas 22, nays 9; as follows, to wit:

Yeas—Messrs. Allen, Bates, Cich, Cox, Fuller, Green, Harlan, Hostetter, James, Morris, Oliver, Rodgers, Smith, Stokely, Thompson, Tod, Thomas, Tracy, Vanmetre, Wade, White and Speaker—22.

Nays—Messrs. Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Stadden, Utter, and Walton—9.

An act to authorize a review and alteration of a part of the state road from Worthington in Franklin county to Marysville in the county of Union;

An act to punish betting on elections.

Mr. Matthews moved to amend the bill by way of rider, as follows, to wit:

Section 1, line 8, after the word "States," insert, "or if any person shall use any threats or coercion to procure any voter in his employ, as clerk, journeyman, agent, or otherwise, to vote contrary to the inclination of such clerk, journeyman, agent, or other hireling."

Upon this question, Mr. Matthews demanded the yeas and nays, which were ordered, and were, yeas 29, nays none; as follows, to wit:

Yeas—Messrs. Allen, Bates, Birch, Cox, Craighill, Fuller, Green, Harlan, Holmes, Ihrig, James, Matthews, McLaughlin, Morris, Rodgers, Smith, Stokely, Shannon, Spangler, Shideler, Stadden, Thompson, Tod, Thomas, Utter, Vanmeter, Wade, Walton and Speaker—29.

Nays—None.

So the question was carried.

An act making appropriations for the year 1839.

Ordered that the titles be as aforesaid, and that the concurrence of the House in the amendments thereto be requested.



On motion of Mr. Morris,

The bill (H. No. 145) to encourage the culture of silk, was taken up,  
And the question being,  
Shall the bill pass?

The yeas and nays were demanded, and were, yeas 17, nays 15; as follows, to wit:

Yeas—Messrs. Allen, Birch, Fuller, Green, Holmes, Matthews, Morris, Oliver, Rodgers, Stokely, Shannon, Saylor, Thomas, Tracy, Vanmetre, Wade and Speaker—17.

Nays—Messrs. Bates, Cox, Craighill, Harlan, Hostetter, Ihrig, James, McLaughlin, Smith, Spangler, Stadden, Thompson, Tod, Uter and Walton—15.

So the question was carried.

Ordered that the title be as aforesaid, and that the House be informed thereof.

On motion of Mr. Harlan,

The bill (H. No. 156) authorizing the auditor of Meigs county to receive the surrender of certain leases of school lands therein named and to give certificates of purchase therefor, was taken up and recommit-  
ted to Mr. Harlan.

Mr. Harlan, on leave, reported back said bill with sundry amend-  
ments, which were agreed to, and the bill was passed.

Ordered that the title be as aforesaid, and that the concurrence of  
the House in the amendments thereto, be requested.

A message from the House of Representatives.

Mr. Speaker:

The House has agreed to the amendments of the Senate to the fol-  
lowing bill of the House, to wit:

A bill to prevent certain injuries to the canals belonging to the State  
and for other purposes.

The House has passed the following bill of the Senate, to wit:

A bill declaratory of the law relating to wills.

The House has refused to order to a third reading the following bill  
of the senate, to wit:

A bill to amend the act entitled an act to regulate the medical and  
surgical supervision of the commercial hospital and lunatic asylum of  
Ohio, passed Feb. 26, 1839.

Attest,

W. H. BLODGET, *Clerk.*

A message from the House of Representatives.

Mr. Speaker:

The house has passed the following resolution to which the concur-  
rence of the senate is requested, to wit:

A resolution authorizing the governor to appoint a day of thanks-  
giving.

Attest,

W. H. BLODGET, *Clerk.*

The resolution from the house was agreed to.

Ordered that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the house has signed the following enrolled bills, to which the signature of the Speaker of the senate is also requested, to wit:

An act to incorporate the town of Madison, in the county of Hamilton;

An act to incorporate the Cincinnati silk company;

An act to amend an act entitled an act to incorporate the Cincinnati and Whitewater canal company, passed April 1, 1837;

An act to incorporate the conference printing establishment of the united brethren church, in the town of Circleville, Pickaway county, Ohio;

An act to incorporate the Mount Pleasant boarding school, and to adjust the difficulties existing between the orthodox and Hicksite society of Friends relative thereto;

An act to amend an act entitled an act to amend the act entitled an act to authorize the making of indexes to the judicial records in the county of Hamilton and in other counties of this State, passed March 16th, 1836, and for other purposes, passed January 26, 1838;

An act to incorporate the Fredonia library, in the county of Licking;

An act to change the name of the town of Waterford, in the county of Tuscarawas;

An act to amend an act entitled an act to incorporate the Ripley and Hillsborough turnpike company, passed February 19, 1833, and for other purposes;

An act to incorporate the Wapaukonetta and St. Mary's rail road company;

An act to change the location of the state road from Palestine, in Dark county, to the Indiana state line;

An act to amend an act entitled an act to incorporate the Portsmouth and Hanging Rock turnpike company, passed April 1st, 1837;

An act to vacate part of a state road in the county of Butler;

An act to divorce Mary Ellen Inskeep from her husband William H. Inskeep;

An act to amend the act entitled an act to incorporate the Gallipolis and Chillicothe turnpike company and the act amendatory thereto;

An act to incorporate the Malta lyceum;

An act to establish a graded state road from Lancaster to McArthurstown;

An act to lay out and establish a graded state road in the counties of Tuscarawas, Carroll and Columbiana;

An act to establish a state road in the counties of Franklin, Delaware and Marion;

An act to incorporate the trustees of the Ravenna female seminary;

An act to authorize a review and change of a part of the state road from Proctor's store, in the town of Patriot;

An act to authorize a graded state road from Cole run post office, to

intersect the graded state road from Cumberland, in Guernsey county, to Sharon, in the county of Morgan;

An act to establish a state road in the counties of Dark and Mercer;

An act to incorporate the Fairfield library association, in the county of Huron;

An act to amend an act entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendent;

An act to incorporate the wardens and vestrymen of St. Matthew's church, in the township of Madison, county of Muskingum;

An act to authorize a graded state road in Morgan county;

An act to establish a state road in the counties of Sandusky and Seneca;

An act to change part of the state road leading from Worthington to Galena;

An act to authorize county surveyors in certain cases to survey lands and town lots without the county;

An act making a special appropriation of the three per cent fund for the county of Knox;

An act to incorporate the Venice and Milton turnpike road company;

An act to incorporate the master and wardens of St. John's lodge, No. 13, in the town of Dayton;

An act to authorize a graded state road in Morgan and Athens counties;

An act to incorporate the Little Hochocking bridge company;

An act to incorporate the Hanover, Stillwell and Rossville turnpike road company;

An act appointing trustees of the Miami university;

An act to incorporate the Wilmington and London turnpike company;

An act to incorporate the Meigs county high school and teachers' institute;

An act to incorporate the Roseville and Heavertown turnpike road company;

An act to extend the time of payment of school section sixteen, in Holmes county;

A resolution appointing a register of the Virginia military school district lands;

A resolution authorizing the directors of the Ohio lunatic asylum to purchase a certain quantity of land adjoining thereto;

A resolution exonerating Jacob Morgan and Guy Nearing from the payment of certain sums of money due by them to the deaf and dumb asylum;

A resolution appointing bank commissioners;

A resolution rescinding a resolution providing for the distribution of the fifth section of an act to amend an act entitled, an act to estab-



lish the Miami university, passed Feb. 19, 1809, and for other purposes, passed March 22, 1839;

A resolution appointing a board of public works;

A resolution to continue Wm. H. Price a canal commissioner.

The house has passed the following bills of the senate, to wit:

A bill to authorize the county commissioners of Hardin county to subscribe to the capital stock of the Mad river and Lake Erie railroad company, and to convey certain lots;

A bill to incorporate the proprietors of the Akron rural cemetery, with one amendment, to which the concurrence of the senate is requested.

The house has agreed to the amendments of the senate to the following bills of the house:

A bill to incorporate the town of Springfield, in the county of Hamilton;

A bill making special appropriations for works of internal improvements for the year 1839;

Attest,

W. H. BLODGET, *Clerk*.

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

The amendment of the house to the bill of the senate was agreed to.

Ordered that the house be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The house has agreed to the amendments of the senate to the following bill of the house:

A bill amendatory of an act entitled, an act to abolish imprisonment for debt, passed March 19, 1838.

The house has indefinitely postponed bill No. 183, of the senate, to authorize the sale of the southeast quarter of section sixteen, in township number four, of range number five, in Monroe county.

The house has passed a resolution authorizing the secretary of state to have additional copies of the general and local laws bound for sale, to which the concurrence of the senate is requested, to wit:

Attest,

W. H. BLODGET, *Clerk*.

The resolution from the house was agreed to.

Ordered that the house be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the house has signed the following enrolled bills and resolutions, to which the signature of the Speaker of the Senate is also requested, to wit:

An act to incorporate the first baptist church of St. Alban's, in the county of Licking;

An act to incorporate the Granville fire company, in the county of Licking;

An act to establish and lay out a state road in the counties of Allen and Hardin;

An act to incorporate the first evangelical Lutheran church of Strasburg, in Tuscarawas county;

An act to incorporate the first methodist episcopal church of Strasburg, in Tuscarawas county;

An act to incorporate the Norwalk hook and ladder company;

An act to incorporate the Waynesville and Wilmington turnpike company;

An act to incorporate the first congregational presbyterian church of Strasburg, in Tuscarawas county;

An act authorizing the city council of Cincinnati to purchase and conduct the Cincinnati water works;

An act to vacate part of the state road leading from Columbus to Springfield;

An act to incorporate the Eaton and Lewisburg township road company;

An act making special appropriation of part of the three per cent fund in the county of Perry;

An act to incorporate the Miami silk growing and manufacturing company of Troy;

An act to incorporate the methodist episcopal church of Granger, in Medina county;

An act to amend the act entitled, an act prescribing the duties of county auditors, passed March 14, 1831;

An act to amend the act entitled, an act to incorporate the Vermilion and Ashland railroad company, passed March 23, 1837;

An act to amend an act entitled, an act for the redemption of lands and town lots sold for taxes, passed March 3, 1831;

An act to amend the act entitled, an act to incorporate the Clarks-ville, Cuba, Snowhill, New Lexington and Leesburg turnpike road company, passed Jan. 25, 1839;

An act further to amend an act to incorporate the Hamilton, Ross-ville, Somerville, Newcomb and Eaton turnpike company;

An act to incorporate the first baptist church at Sunbury, Delaware county, Ohio;

An act to incorporate the first baptist church at Mill Creek, Delaware county, Ohio;

An act to incorporate the first united brethren in Christ's church of Strasburg, in Tuscarawas county;

An act to incorporate the town of Lima, in the county of Stark;

An act to amend an act to incorporate the Hamilton, Rossville, Darr-town, Oxford and Fairhaven turnpike company;

An act to authorize the fund commissioners of certain counties to

loan the surplus revenue to the county commissioners of the said counties;

An act to amend an act entitled, an act to incorporate the village of Middlebury, in the county of Portage, passed Feb. 27, 1833;

An act to amend the act entitled, an act to incorporate the town of Xenia, in the county of Green;

An act to incorporate the Cuyahoga Falls institute;

An act further to amend the act to authorize the president, recorder and trustees of the town of Zanesville to borrow money for the purposes therein specified;

An act for the relief of David Hayward and Thomas Sands;

An act to incorporate the Miamisburg fire insurance company;

An act to amend the act entitled an act to incorporate the Hanging Rock and Lawrence Furnace rail road company, passed March 9, 1836;

An act further supplementary to an act entitled an act to incorporate the theological seminary of the protestant episcopal church in the diocess of Ohio;

An act to incorporate Uricksville, in the county of Tuscarawas;

An act to amend the act entitled an act to incorporate the Batavia turnpike and bridge company;

An act to amend an act entitled an act to incorporate the Hamilton, Springfield and Carthage turnpike company, passed Feb. 24, 1834;

An act to authorize the commissioners of Fairfield county to construct a bridge across the Ohio canal;

An act to amend the act entitled an act to incorporate the Vermillion and Birmingham railroad company;

An act to incorporate the presbyterian church of Malaga, in the county of Monroe, under the care and government of the general assembly of the presbyterian church in the United States;

An act to incorporate the associate reformed church of Knoxville, in the county of Jefferson;

An act to amend an act of incorporation of the first presbyterian or congregational church and society of Granville, in the county of Licking;

An act to amend an act to lay out and establish a state road in the counties of Columbiana and Carroll, passed March 4, 1837;

An act to amend the act entitled an act to incorporate the Dayton and Bellefontaine turnpike road company, passed March 9, 1838;

An act to authorize the corporate authorities of the town of Wooster to borrow money for school purposes;

An act to authorize the county commissioners of the several counties of Jefferson, Harrison, Guernsey and Monroe, to subscribe to the capital stock of any turnpike or McAdamized road company, or turnpike or McAdamized road companies, when such road or roads shall enter into or pass through any of said counties, or either of them;

A resolution appointing trustees of the Ohio institution for the instruction of the blind;



A resolution authorizing the county commissioners of Sandusky county to use certain moneys now in their hands.

An act further to amend the act to incorporate and establish the city of Cincinnati, and for revising and repealing all laws and parts of laws heretofore enacted on that subject.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

A message from the House of Representatives.

Mr. Speaker:

The house has agreed to the following resolution of the senate, to wit:

A resolution relative to the seat of justice of Lucas county.

The house has agreed to the amendment of the senate to the following bill and resolution of the house, to wit:

A bill making appropriations for the year eighteen hundred and thirty-nine;

A resolution relative to the southern termination of the Ohio canal.

Attest,

W. H. BLODGET, *Clerk.*

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill to which the concurrence of the Senate is requested, to wit:

A bill to authorize the construction of a free turnpike road from the town of Lafayette, in the county of Madison, to the town of Urbana, in the county of Champaign.

The house has agreed to the amendments of the senate to the following bills of the house, to wit:

A bill to amend an act entitled an act for the redemption of lands and town lots sold for taxes, passed March 3d, 1831;

A bill for the relief of Arthur Taggart;

A bill to incorporate the town of Bucyrus, in the county of Crawford;

A bill to incorporate the Cadiz and Mount Vernon turnpike road company;

A bill for the disposition of unclaimed costs;

A bill to incorporate the Chagrin Falls manufacturing company;

A bill to incorporate the Auglaize seminary;

A bill to incorporate the Ohio insurance company;

A bill to incorporate the Hannan Ferry, Mercerville, Patriot and Centreville turnpike company, in the county of Gallia.

The house has disagreed to the amendments of the senate to the following bill of the house, to wit:

A bill for the protection of railroads.

The House has passed the following bill of the Senate, to wit:

A bill regulating sales at auction in the city of Cincinnati.

The house has passed a resolution relative to the disposition of the books, instruments, &c. of the geological corps, to which the concurrence of the senate is requested.

The house has also passed a resolution relative to the distribution of the laws and journals of the present session, to which the concurrence of the senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The bill from the house was read the first time.

On motion of Mr. Walton,

The senate insisted upon their amendments to the bill of the house for the protection of rail roads.

Ordered that the house be informed thereof.

The resolutions from the house were agreed to.

Ordered that the house be informed thereof.

Mr. Cox, from the standing committee on enrollment, reported that said committee had examined and found duly enrolled the following bills, to wit:

An act to amend the act entitled an act to incorporate the first presbyterian church of Washington, in the county of Fayette;

An act providing for the enlargement of the lock at the mouth of Symm's creek, on the Muskingum river;

An act to change the name of the Philomathean literary institute in Guernsey county;

An act to incorporate the parish of St. Alban's church;

An act to amend the act entitled an act prescribing the duties of county auditors;

An act to authorize the commissioners of the county of Hamilton to borrow money.

On motion of Mr. McLaughlin,

The resolution from the house providing for the survey of a canal route in Richland county, was taken up.

Mr. Tod moved that the further consideration thereof be indefinitely postponed;

Upon which question, the yeas and nays were demanded, and were, yeas 19, nays 14; as follows, to wit:

Yeas—Messrs. Cox, Fuller, Harlan, Holmes, Hostetter, James, Oliver, Smith, Stokely, Shannon, Spangler, Saylor, Thompson, Tod, Tracy, Utter, Wade, Walton and Speaker—19.

Nays—Messrs. Allen, Bates, Birch, Craighill, Green, Ihrig, Matthews, McLaughlin, Rodgers, Shideler, Stadden, Thomas, Vaumeter and White—14.

So the question was carried.

Ordered that the house be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The house has passed the following resolutions, to which the concurrence of the senate is requested:

A resolution providing for forwarding each member of the general assembly his proportion of the report of the geological corps;

A resolution providing for forwarding to the secretary of the treasury of the United States, the report of a select committee in this house on the three per cent fund;

A resolution appointing trustees for the deaf and dumb asylum;

A resolution providing for forwarding ten copies of the general laws, passed at this session, and one copy of the twenty-ninth volume of the general laws, to the county of Portage;

A resolution providing for printing one hundred copies of the act for the appointment of a board of bank commissioners, and for the regulation of banks within the state of Ohio, passed February 25, 1839;

A resolution prescribing the duties of prosecuting attornies in certain cases;

Resolutions in relation to the difficulties on the Maine boundary.

The house has passed the following bill of the house, to which the concurrence of the senate is requested:

A bill to alter part of a state road in Delaware county.

Attest, W. H. BLODGET, *Clerk*.

The bill from the House were read the first time.

The resolutions from the house were severally agreed to, except the three last named in the message, which were laid upon the table.

Ordered that the house be informed thereof.

Mr. Walton offered the following resolution:

*Resolved by the General Assembly of the State of Ohio, That the Governor be and he is hereby authorized to appoint three suitable and competent persons, whose duty it shall be to revise the laws of a general nature of this state, and report to the general assembly at its next session.*

Mr. McLaughlin moved that the further consideration of the resolution be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 17, nays 15, as follows:

Yeas—Messrs. Allen, Birch, Cox, Harlan, Hostetter, James, McLaughlin, Morris, Oliver, Shannon, Spangler, Saylor, Shideler, Thompson, Thomas, Utter, and White—17.

Nays—Messrs. Bates, Craighill, Fuller, Green, Holmes, Matthews, Rodgers, Smith, Stokely, Stadden, Tod, Tracy, Vanmeter, Wade, and Walton—15.

So the question was carried.

On motion of Mr. McLaughlin,

The resolution of the senate providing for the safe keeping of the public arms was taken up and agreed to.



Ordered to the House for concurrence.

Mr. Tod, from the standing committee on the judiciary, to which was recommitted the bill (H. No. 475) to amend the act entitled, an act relating to information in the nature of quo warranto, and regulating the mode of proceeding thereon, passed March 11, 1833, reported the same back with one amendment; and the bill was ordered to be read the third time on to-day, in order to its final passage.

The bill was then read the third time and passed.

Ordered, that the title be as aforesaid, and that the House be informed thereof.

Mr. Thomas offered the following resolution:

*Resolved*, That the thanks of the senate are hereby tendered to William Hawkins, for the able and impartial manner in which he has presided over its deliberations during the present session.

Upon the passage of the resolution,

Mr. Thomas demanded the yeas and nays, which were ordered, and were, yeas 32, nays none, as follows:

Yeas—Messrs. Bates, Birch, Cox, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Thomas, Tracy, Utter, Vanmetre, Wade, Walton and White—32.

Nays—None.

So the question was carried.

On motion of Mr. Spangler,

The Speaker was directed to take up the bills upon the table.

The further consideration of the following bills of the house was the indefinitely postponed:

H. No. 49. An act to authorize the acts of a general nature to be distributed by mail;

H. No. 73. An act to vacate certain alleys in the town of New Haven, in the county of Huron;

H. No. 64. An act to amend the act entitled, an act regulating the fees of sheriffs in civil and criminal cases, passed March 13, 1837;

H. No. 125. An act to amend an act entitled, an act for granting licenses in certain cases, passed March 14, 1831;

H. No. 128. An act to amend the act allowing and regulating writs of attachment;

H. No. 139. An act amendatory of an act entitled, an act regulating judgments and executions, passed March 1, 1834;

H. No. 155. An act for the relief of the owners of lands within the Mercer county reservoir;

H. No. 302. An act to establish a state road in the counties of Guernsey and Monroe;

H. No. 407. An act relating to sales of real estate under judgments and decrees within the county of Cuyahoga.

Ordered that the house be informed thereof.

The further consideration of the following bills of the house were postponed until the first Monday in December next:

H. No. 120. An act to incorporate the life union society in the township of Bath, Medina county;

H. No. 472. An act to authorize a state road in the counties of Hancock and Henry;

H. No. 310. An act authorizing the extension of the Miami canal feeder.

Ordered that the house be informed thereof.

The following bill of the house was taken up:

H. No. 108. An act to incorporate the western phrenological society of Cincinnati.

Mr. Thompson moved that the bill be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 18, nays 13, as follows:

Yeas—Messrs. Bates, Birch, Fuller, Green, Harlan, Ihrig, James, Morris, Smith, Stokely, Shannon, Spangler, Thompson, Tod, Utter, Walton, White and Speaker—18.

Nays—Messrs. Cox, Craighill, Holmes, Hostetter, McLaughlin, Oliver, Rodgers, Saylor, Shideler, Stadden, Thomas, Tracy, and Wade—13.

So the question was carried.

The following bill of the house was taken up:

H. No. 152. An act to amend the act for the appointment of guardians.

The question being on ordering the bill to be read the third time, it was taken and lost.

Ordered that the house be informed thereof.

The bill (H. No. 190) to amend the act passed March 9, 1831, entitled, an act for the inspection of certain articles therein named, was taken up.

And the question being,

Shall the bill pass?

The yeas and nays were demanded, and were, yeas 9, nays 19, as follows:

Yeas—Messrs. Birch, Green, Harlan, Morris, Smith, Stokely, Thompson, Thomas, and White—9.

Nays—Messrs. Bates, Cox, Fuller, Holmes, Hostetter, Ihrig, James, Matthews, Oliver, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Tod, Tracy, Walton, and Speaker—19.

So the question was lost.

Ordered that the house be informed thereof.

The bill (H. No. 251) for the protection of orchards, gardens and other improved lands was taken up.

Mr. Holmes moved that the bill be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 16, nays 16, as follows:

Yeas—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Utter, Walton and Speaker—16.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, McLaughlin, Morris, Oliver, Smith, Stokely, Tod, Thomas, Tracy, Wade, and White—16.

So the question was lost.

Mr. Spangler then moved to postpone the further consideration of the bill until the first Monday in December next; upon which question the yeas and nays were demanded, and were, yeas 16, nays 16; as follows, to wit:

Yeas—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Utter, Walton and Speaker—16.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, McLaughlin, Morris, Oliver, Smith, Stokely, Tod, Thomas, Tracy, Wade and White—16.

So the question was lost.

The question then recurred upon ordering the bill to be read the third time; upon which question the yeas and nays were demanded, and were, yeas 17, nays 16; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, McLaughlin, Morris, Oliver, Smith, Stokely, Tod, Thomas, Tracy, Vanmeter, Wade, and White—17.

Nays—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, Rodgers, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Utter, Walton, and Speaker—16.

So the question was carried, and bill was ordered to be read a third time on to-day.

The bill, (H. No. 425,) further to amend the act entitled an act to prohibit the issuing and circulating of unauthorized bank paper, passed January 27, 1816, was taken up.

Mr. Thomas moved that it be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 12, nays 18; as follows, to wit:

Yeas—Messrs. Cox, Fuller, Harlan, James, Smith, Shannon, Spangler, Saylor, Stadden, Thomas, Vanmeter, and Wade—12.

Nays—Messrs. Bates, Birch, Craighill, Green, Holmes, Hostetter, Ihrig, Matthews, Morris, Oliver, Rodgers, Shideler, Thompson, Tod, Tracy, Utter, Walton and Speaker—18.

So the question was lost.

Mr. Smith then moved to amend the bill by adding the following at the end of sec. 2, to wit:

*Provided*, That nothing herein contained shall be so construed as to impair any rights heretofore granted to any company incorporated by any law of this state.

Upon this question the yeas and nays were demanded, and were, yeas 10, nays 21; as follows, to wit:



Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Smith, Stadden, Thomas, and Wade—10.

Nays—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Rodgers, Stokely, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Tracy, Utter, Walton and Speaker—21.

So the question was lost.

The question then recurred upon ordering the bill to be read the third time; the yeas and nays were demanded, and were, yeas 13, nays 14; as follows, to wit:

Yeas—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Oliver, Rodgers, Stokely, Spangler, Shideler, Thompson, Tod, Tracy, Utter and Walton—18.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Smith, Shannon, Saylor, Stadden, Thomas, Vanmeter, Wade and Speaker—14.

So the question was carried, and the bill was ordered to be read the third time on to-day.

The following bills of the senate were then taken up and indefinitely postponed, to wit:

No. 86. A bill to incorporate the state agricultural society;

No. 20. A bill to repeal the act entitled an act to authorize a loan of credit by the state of Ohio to railroad companies, and to authorize subscriptions by the state to the capital stock of turnpike, canal, and slackwater navigation companies, passed March 24, 1837;

No. 73. A bill to change the name of John Evans to John Lewis Evans;

The following bills of the senate were taken up, and postponed until the first Monday in December next, to wit:

An act authorizing the court of common pleas of Licking county to appoint a trustee for Mount Zion chapel in the town of Newark;

S. No. 71. A bill to amend the act defining the duties of supervisors of roads and highways, passed March 7, 1831;

No. 156. A bill for the relief of George Kinsely;

No. 178. A bill to extend the Ohio canal up to Freeport in the county of Harrison;

No. 162. A bill to amend an act entitled an act to tax banks, insurance and bridge companies, passed March 12, 1831.

The bill, (S. No. 21,) for the relief of jurors in certain cases was taken up and the amendment of the house was agreed to.

Ordered that the House be informed thereof.

The bill, (S. 202,) supplementary to the act entitled, an act appointing a board of bank commissioners, and for the regulation of banks within the state of Ohio, was taken up.

Mr. James moved to amend the bill by adding the following as sec. 3, to wit:

**Sec. 3.** If the commissioners appointed under the above recited act shall fraudulently convert, use or dispose of, the assets, money and effects of any bank placed under their control, or corruptly and wilfully neglect the affairs of such bank, whereby the value of such assets shall be impaired, the commissioner so offending shall be guilty of a misdemeanor, and on conviction thereof, shall be confined in the penitentiary and kept at hard labor for not less than three years, nor more than five years.

Upon this question the yeas and nays were demanded, and were, yeas 18, nays 14; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, Hostetter, James, Matthews, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmetre, and Wade—18.

Nays—Messrs. Bates, Craighill, Holmes, Ihrig, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—14.

So the question was carried.

Mr. Thomas then moved to amend the bill adding the following as section 2, to wit:

**Sec. 2.** Any bank which shall be closed under the provisions of this act shall be taken and considered as retaining its corporate existence for the purpose of determining all questions which may arise out of the acts of said corporation, and of any and all persons having any charge of, or control over, its property or assets.

Upon this question the yeas and nays were demanded, and were, yeas 15, nays 16; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmetre, and Wade—15.

Nays—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—16.

So the question was lost.

Mr. Thompson then moved that the bill be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 15, nays 17; as follows, to wit:

Yeas—Messrs. Bates, Craighill, Holmes, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, and Speaker—15.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, Hostetter, James, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Tracy, Vanmeter, Wade and White—17.

So the question was lost;

Mr. Green then moved to amend the bill as follows:

**Sec. 5.** That before the writ of mandamus authorized by the act to which this is an amendment shall issue, the judge or court to whom application for the same is made shall give at least three days notice of such application. If the time and place where the same will be

heard, to the bank against which the writ is applied for, and such bank shall be then and there heard in opposition to such application, and such judge or court may refuse to grant such writ, on good cause being shown against granting the same.

Upon this question the yeas and nays were demanded, and were, yeas 14, nays 16; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris Rodgers, Smith, Stokely, Thomas, Tracy, Vanmeter and Wade—14.

Nays—Messrs. Bates, Craighill, Holmes, Hostetter, Matthews, McLaughlin, Oliver, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter and Speaker—16.

So the question was lost.

Mr. Holmes then moved to postpone the further consideration of the bill until Monday next.

Upon which question the yeas and nays were demanded, and were, yeas 17, nays 16; as follows, to wit:

Yeas—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—17.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Tracy Vanmetre, Wade and White—16.

So the question was carried.

On motion of Mr. Thomas,

The Speaker was directed to take up the resolutions upon the table, and the following resolutions of the House were indefinitely postponed, to wit:

Resolution in relation to assessment of damages on the Hocking Valley canal;

Resolution prescribing the duties of county auditors in certain cases;

Resolution for the relief of Jacob L. Vance;

Resolution for making a joint committee of the standing committee of the two Houses on the currency;

Resolution authorizing the secretary of state to publish the law relative to railroads and turnpikes, passed Jan. 7, 1817;

Resolution providing for certain elections by the General Assembly on the 16th-Feb. ult.

Resolution authorizing a resurvey of the Black Fork of the Mohican in Richland county, and for other purposes;

Resolution for printing the report of the directors of the lunatic asylum;

Resolution authorizing a survey of a canal route from the Grand Reservoir on the Miami canal to Fort Wayne, and for other purposes;

Resolution for the survey of a canal route to connect the Columbus Feeder with the waters of Mad river;



Resolution authorizing Charles M. Reiley to index the journal of the General Assembly;

Upon the indefinite postponement of this resolution,

Mr Walton demanded the yeas and nays, which were ordered, and were, yeas 22, nays 10, as follows, to wit:

Yeas—Messrs. Bates, Birch, Cox, Fuller, Harlan, Hostetter, James, Matthews, Morris, Oliver, Rodgers, Smith, Stokely, Shannon, Spangler, Tod, Thomas, Tracy, Utter, Vanmetre, Wade and White—22.

Nays—Messrs. Craighill, Green, Holmes, Ihrig, McLaughlin, Saylor, Stadden, Thompson, Walton and Speaker—10.

So the question was carried.

Ordered that the House be informed thereof.

The following resolutions of the House were agreed to, to wit:

Resolution authorizing the finance committee of the House to appropriate money for the repair of the state house;

Resolution for printing the report of the standing committee of the House on the banks and the currency, in relation to a general banking law, &c.

Resolution for the printing of the act appointing bank commissioners, &c.;

Resolution for a review of the county seat of Mercer county.

Mr. Spangler moved to postpone the further consideration of this resolution until the first Monday in December next.

Upon which question the yeas and nays were demanded, and were, yeas 11, nays 19, as follows, to wit:

Yeas—Messrs. Bates, Holmes, Ihrig, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Walton and Speaker—11.

Nays—Messrs. Birch, Cox, Craighill, Fuller, Green, Harlan, Hostetter, James, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Tracy, Utter, Vanmetre and Wade—19.

So the question was lost.

The resolution was then amended and agreed to.

Resolution for running and establishing the line between Adams and Scioto counties;

Resolution for a review of a county seat of Williams county.

Mr. Bates moved to amend the resolution by adding the following proviso, to wit:

*Provided*, That if any individual or individuals, shall have acquired any rights, title or interest in consideration of the present location of said seat of justice, said commissioners, hereby authorized to review and relocate said seat of justice, shall assess the full damages sustained by such individuals; which damages shall be paid by said county, if said seat be removed.

*Provided also*, That either of the parties interested shall have the right to appeal from such assessment of damages so made as aforesaid by said commissioners, to the court of common pleas, the same as from the judgment of a justice of the peace.

Upon this question the yeas and nays were demanded, and were, yeas 17, nays 15, as follows, to wit:

Yeas—Messrs. Bates, Craighill, Holmes, Hostetter, James, Matthews, Morris, Stokely, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Tracy, Walton and Speaker—17.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, Ihrig, McLaughlin, Rodgers, Smith, Stadden, Thomas, Utter, Vanmetre, Wade and White—15.

So the question was carried.

Mr. James then moved a reconsideration of the vote last taken.

Upon which question the yeas and nays were demanded, and were, yeas 19, nays 14, as follows:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, Hostetter, James, McLaughlin, Oliver, Rodgers, Smith, Stokely, Stadden, Thomas, Tracy, Utter, Vanmetre, Wade and White—19.

Nays—Messrs. Bates, Craighill, Holmes, Ihrig, Matthews, Morris, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Walton and Speaker—14.

So the question was carried.

The question then recurred upon agreeing to the amendment, which was taken and decided in the negative, yeas 15, nays 18, as follows, to wit:

Yeas—Messrs. Bates, Craighill, Holmes, Hostetter, Matthews, Morris, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Tracy, Walton and Speaker—15.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, Ihrig, James, McLaughlin, Oliver, Rodgers, Smith, Stokely, Stadden, Thomas, Utter, Vanmetre, Wade and White—18.

So the question was decided in the negative.

Mr. Bates then moved to amend the resolution, as follows, to wit:

Strike out all after the word "Ohio," in the first line of the resolution, and insert the following:

That the question of the appointment of commissioners to review the seat of justice of Williams county, be submitted to the electors of said county at their next annual October election, and that the voters of said county designate on their ballots, whether they are in favor of, or against the appointment of commissioners; and that the clerk of the court of common pleas shall certify such ballots to the next General Assembly.

Upon this question the yeas and nays were demanded, and were, yeas 16, nays 16; as follows, to wit:

Yeas—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, Morris, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Tracy, Walton and Speaker—16.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, McLaughlin, Oliver, Rodgers, Smith, Stokely, Thomas, Utter, Vanmetre, Wade and White—16.

So the question was lost.

Mr. Walton then moved to recommit the resolution to a select committee of one, with instructions to add the first amendment offered by Mr. Bates and entered on the journal.

Upon which question the yeas and nays were demanded, and were, yeas 16, nays 17, as follows, to wit:

Yeas—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Walton and Speaker—16.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Utter, Vanmetre, Wade and White—17.

So the question was lost.

Mr. Bates then moved to recommit the resolution to a select committee of one, with instructions to so amend the same as to refer the question of removal to the people of said county at their next annual October election.

Upon which question the yeas and nays were demanded, and were, yeas 17, nays 16, as follows, as wit:

Yeas—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Walton and Speaker—17.

Nays—Messrs. Birch, Cox, Fuller, Green, Harlan, James, McLaughlin, Morris, Oliver, Rodgers, Smith, Stokely, Thomas, Vanmeter, Wade and White—16.

So the question was carried, and the chair appointed Mr. Bates said select committee.

Mr. Tod then moved a reconsideration of the vote taken yesterday on the passage of the bill (H. No. 221) to punish certain crimes therein named, which was agreed to, and the question then recurring on the passage of the bill, the yeas and nays were demanded, and were, yeas 24, nays 9; as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Smith, Stokely, Shannon, Stadden, Tod, Thomas, Tracy, Utter, Vanmeter, Wade, Walton, White and Speaker—24.

Nays—Messrs. Bates, Craighill, Holmes, Hostetter, Rodgers, Spangler, Saylor, Shideler and Thompson—9.

So the question was carried.

Ordered, that the title be as aforesaid, and that the house be informed thereof.

Mr. Morris, from the joint committee on enrollment, reported that said committee have examined and found duly enrolled the following bills, to wit:

An act to authorize the county commissioners of Hardin county to subscribe to the capital stock of the Mad River and Lake Erie railroad company, and to convey certain lots;

An act for the relief of James W. Crawford;

An act to repeal the 13th section of an act to incorporate the town of Piketon, in Pike county, passed 10th February, 1838;



A resolution relative to the location of the seat of justice for Lucas county.

Mr. White, from the joint committee on enrollment, reported that they had examined and found duly enrolled, the following acts and resolutions; to wit:

An act to amend the act to incorporate and establish the city of Cincinnati and for revising and repealing all laws and parts of laws heretofore enacted on that subject;

An act to incorporate the Bellville railroad company;

An act to amend an act entitled an act to incorporate the Cuyahoga Falls, Medina, Wellington and Norwalk turnpike road company;

An act to incorporate the Sidney, Carysville and Millerstown road company;

An act to amend an act entitled an act to provide for the sale of the northwest quarter of section No. 27, in township 19, of range No. 18, in Richland county, and belonging to the original surveyed fractional township No. 18, of range 18, in Knox county, passed February 7, 1838;

An act providing for the levying of a school tax in Oxford township, Butler county;

An act to incorporate the town of Springfield, in the county of Hamilton;

An act to amend the act granting licenses and regulating taverns;

An act to incorporate the German evangelical protestant church of St. John, in the town of Massillon, in the county of Stark;

An act to lay out and establish a state road in the counties of Pickaway and Franklin;

An act relating to sales of real estate under judgments and decrees within the counties of Cuyahoga and Portage;

An act to incorporate the town of Reynoldsburg, in the county of Franklin;

An act to incorporate the Auglaize seminary;

An act to lay out a state road in the counties of Preble and Butler;

An act to incorporate the town of Bucyrus, in the county of Crawford;

An act to incorporate the Hamilton and Middletown turnpike company;

An act to amend the act entitled an act to incorporate the Perry improvement company;

Resolution in relation to the southern termination of the Ohio canal;

An act amendatory of an act entitled an act to abolish imprisonment for debt, passed March 19th, 1838;

An act to incorporate the Chagrin Falls manufacturing company;

An act to prevent certain injuries to the canals belonging to the State, and for other purposes;

An act to incorporate the Worthington literati;

An act to encourage the culture of silk;

An act to incorporate the regular baptist church of Christ in Bucyrus, in the county of Crawford;

An act to incorporate the Wood county turnpike and draining company;

An act to enable the commissioners of Franklin county to sell the poor house of said county, and the lands attached thereto;

An act to incorporate the New Richmond turnpike road company;

An act to incorporate the first methodist episcopal church in the city of Cleveland;

An act to incorporate the first methodist society of Evansport;

An act to amend an act entitled an act to authorize the holding of special courts in the county of Cuyahoga;

An act for the relief of jurors in certain cases;

An act to amend the act relating to wills, passed February 18th, 1831;

Resolution in relation to the seat of justice of Lawrence county;

An act to incorporate the State agricultural society;

An act to incorporate the Ohio city insurance company;

An act to authorize the commissioners of the canal fund to borrow money for the completion of public works in Ohio, and to regulate the accounts of the sinking fund;

An act to incorporate the Lithopolis academy;

An act to incorporate the northwestern turnpike road company;

An act to create a lien in certain cases, in the township of Zanesville;

An act to incorporate the methodist episcopal church of Uricksville, in the county of Tuscarawas;

An act to incorporate the protestant church of Cleveland;

An act to authorize the trustees of the methodist episcopal church of the town of Newark, to sell certain real estate.

Mr. Cox, from the committee on enrollment, reported that said committee had deposited in the office of the Secretary of State, and taken his receipt for the following acts and resolutions, to wit:

An act further to amend the act to authorize the president, recorder and trustees of the town of Zanesville, to borrow money for the purposes therein specified;

An act to incorporate the Miami silk growing and manufacturing company of Troy;

An act to incorporate Uricksville, in the county of Tuscarawas;

An act to amend the act entitled an act to incorporate the town of Xenia, in the county of Green;

An act further to amend the act to incorporate and establish the city of Cincinnati, and for revising and repealing all laws and parts of laws heretofore enacted on that subject;

An act to authorize the corporate authorities of the town of Wooster to borrow money for school purposes;

An act to incorporate the presbyterian church of Malaga, in the county of Monroe, under the care and government of the general asserably of the presbyterian church in the United States;

An act to amend the act entitled an act to incorporate the Batavia turnpike and bridge company;

An act to authorize the county commissioners of the several counties of Jefferson, Harrison, Guernsey and Monroe, to subscribe to the capital stock of any turnpike or McAdamized road companies, when such road or roads shall enter into or pass through any of said counties, or either of them;

An act to amend an act of incorporation of the first presbyterian and congregational church and society of Granville, in Licking county;

An act further supplementary of an act entitled an act to incorporate the theological seminary of the protestant episcopal church in the diocese of Ohio;

An act to amend the act entitled an act to incorporate the Hanging Rock and Lawrence Furnace rail road company, passed March 9th 1836;

An act to amend an act to lay out and establish a state road in the counties of Columbiana and Carroll, passed March 4th, 1837;

An act to authorize the commissioners of Fairfield county to construct a bridge across the Ohio canal;

An act to amend an act entitled an act to incorporate the Hamilton, Springfield and Carthage turnpike company, passed February 24th, 1834;

An act to amend an act entitled an act to incorporate the Steubenville, Cadiz and Cambridge M'Adamized road company;

An act to amend an act entitled an act to incorporate the village of Middlebury, in the county of Portage, passed February 27, 1838;

An act to incorporate the Waynesville and Wilmington turnpike company;

An act to authorize the fund commissioners of certain counties to loan the surplus revenue to the county commissioners of said counties;

An act to incorporate the Norwalk hook and ladder company, Huron county;

An act to incorporate the mechanics' society of Richland county;

An act authorizing the city council of Cincinnati to purchase and conduct the Cincinnati water works;

An act to incorporate the Fulton iron company of the city of Cleveland;

An act to amend the act entitled an act to incorporate the Dayton and Bellefontaine turnpike road company, passed March 9th, 1838;

An act to incorporate the Cuyahoga Falls institute;

An act to incorporate the first church of the united brethren in Christ, of Circleville, Pickaway county, Ohio,

An act to incorporate the associate reform church of Knoxville, in the county of Jefferson;

An act to amend the act to incorporate the Vermillion and Birmingham railroad company;

Mr. Cox also reported that the same committee had examined and found duly enrolled the following bills, to wit:



An act to incorporate the town of Alexandria, in Licking county;

An act to incorporate the New Hagerstown female seminary;

An act to incorporate the Cadiz and Mount Vernon turnpike road company;

An act to incorporate the first congregational society of Avon, in the county of Lorain;

An act to incorporate the Hannan Ferry, Mercerville, Patriot and Centreville turnpike company, in the county of Gallia;

An act to incorporate the Hibernian benevolent society of Cincinnati;

An act to authorize the commissioners of Wood and Hancock counties to subscribe to the capital stock of the Bellefontaine and Perrysburg rail road company, and to borrow money.

The resolutions from the house in relation to the Maine difficulties were then taken up.

Mr. Green moved to strike out the first resolution, which was in the following words, to wit:

*Be it resolved by the General Assembly of the State of Ohio, That we view with united approbation the prompt and energetic action of the authorities of Maine to protect the rights and honor not only of their own State, but of the Union.*

Upon this question, the yeas and nays were demanded, and were, yeas 15, nays 18; as follows, to wit:

Yeas—Messrs. Birch Cox, Green, Harlan, Hostetter, James, Morris, Oliver, Rodgers, Smith, Thomas, Tracy, Vanmeter, Wade and White—15.

Nays—Messrs. Bates, Craighill, Fuller, Holmes, Ihrig, Matthews, McLaughlin, Stokely, Shannon, Spangler Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—18.

So the question was lost,

Mr. Green then moved to strike out the third resolution, which was in the following words, to wit:

*Resolved, That while we hereby approve the efforts made by the President of the United States to avert from this country all the calamities of war, and earnestly hope that they may be as they have been heretofore, successful, yet should a collision take place between this government and Great Britain in the settlement of the pending dispute, Ohio tenders her whole means and resources to the authorities of this Union, in sustaining our rights and honor.*

Upon this question the yeas and nays were demanded, and were, yeas 13, nays 20; as follows, to wit:

Yeas—Messrs. Birch, Cox, Green, Harlan, Hostetter, James, Morris, Oliver, Smith, Thomas, Vanneter, Wade and White—13.

Nays—Messrs. Bates, Craighill, Fuller, Holmes, Ihrig, Matthews, McLaughlin, Rodgers, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Walton and Speaker—20.

So the question was lost.

Mr. Thomas then moved to amend the resolution by inserting the following as the fourth resolution:

*Resolved, That in case of the occurrence of such war, the sons of*

Ohio will, if the same cannot well be avoided, fight to the death in the holy cause of freedom and the rights of man all over the known world.

Upon this question, the yeas and nays were demanded, and were, yeas 10, nays 22, as follows, to wit:

Yeas—Messrs. Birch, Green, Harlan, James, Oliver, Smith, Spangler, Thomas, Wade, and White—10.

Nays—Messrs. Bates, Cox, Craighill, Fuller, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Morris, Rodgers, Stokely, Shannon, Saylor, Stadden, Thompson, Tod, Tracy, Utter, Vanmeter, Walton and Speaker—22.

So the question was lost.

The question was then taken on agreeing to the second resolution, which was in the following words:

*Resolved*, That the act of congress conferring upon the United States ample power and means to protect this nation from foreign invasion, has our full and most hearty assent.

The yeas and nays were demanded, and were, yeas 30, nays 2, as follows:

Yeas—Messrs. Bates, Birch, Craighill, Fuller, Green, Harlan, Holmes, Hostetter, Ihrig, James, Matthews, McLaughlin, Morris, Oliver, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Vanmeter, Wade, Walton, White and Speaker—30.

Nays—Messrs. Cox, and Thomas—2.

So the question was carried.

Mr. Harlan then moved to amend the resolutions by inserting the following as a fourth resolution:

*Resolved*, That we cordially approve of the proclamation of the President of the United States, enjoining on our citizens and the people of the United States, in order to preserve the neutrality of our government, not to participate in the contest which has been or which may continue between the government of Great Britain, and any portion of the inhabitants of her colonies, or others calling themselves the patriots of Canada.

Upon this question the yeas and nays were demanded, and were, yeas 11, nays 21, as follows:

Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, Morris, Smith, Vanmeter, Wade and White—11.

Nays—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Oliver, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Thomas, Tracy, Utter, Walton and Speaker—21.

So the question was lost.

The fourth and last resolution was then agreed to.

The question was then taken on agreeing to the preamble, which was in the following words:

Whereas, by the declaration of independence, on the 4th of July 1776, the United States of America became a sovereign and independent nation, with full power over the territory within her limits;

and whereas, at the treaty of 1783, between the United States of America and Great Britain, the northern and northeastern boundaries between the two governments were fairly designated and distinctly described; and whereas, the said British government has since set up claims to a part of the territory of these states, and now lying within the state of Maine; and whereas, the subjects of the British crown have recently invaded and trespassed upon the territory of the state of Maine, and within the limits of this confederacy, and destroyed the property belonging to the state; therefore.

The yeas and nays having been demanded, they were ordered, and were, yeas 21, nays 11, as follows:

Yeas—Messrs. Bates, Craighill, Fuller, Holmes, Ihrig, Matthews, McLaughlin, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Wade, Walton, and Speaker—21.

Nays—Messrs. Birch, Cox, Green, Harlan, Hostetter, James, Morris, Oliver, Thomas, Vanmetre and White—11.

So the question was carried.

Ordered that the House be informed thereof.

Mr. James, on behalf of himself and others, then asked leave to have entered at length on the journals of the senate, the following protest; which was granted:

The undersigned protest against the passage of the foregoing preamble and resolutions, as an untimely interference on the part of this state, in a matter pending in negotiation between the United states and a foreign government; as tending to embarrass the president in his negotiations, and to foster a spirit of unkindness and of hostility towards a country with which our best interests requires a preservation of peace; and because we have confidence that the people of Ohio will in every emergency discharge their proper duties to the country, and their dignity forbids these premature avowals of readiness for war.

*John H. James,  
Sumuel J. Cox,  
Wm. I. Thomas,  
A. Harlan,  
Jno. J. Vanmeter.*

On motion of Mr. Stadden,

The bill (H. No. 452) to incorporate the town of Johnstown, in the county of Licking, was taken up and recommitted to Mr. Stadden.

The following bills of the house were taken up and read the third time:

An act for the protection of orchards, gardens and other improved lands.

And the question being,

Shall the bill pass?

The yeas and nays were demanded, and were, yeas 15, nays 17, as follows:



Yeas—Messrs. Birch, Cox, Fuller, Green, Harlan, James, McLaughlin, Morris, Oliver, Smith, Stokely, Thomas, Tracy, Vanmeter, and White—15.

Nays—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Matthews, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Wade, Walton and Speaker—17.

So the question was lost.

Ordered, that the House be informed thereof.

An act further to amend the act entitled, an act to prohibit the issuing and circulating of unauthorized bank paper, passed January 27, 1816.

The question being,

Shall the bill pass?

The yeas and nays were demanded, and were, yeas 21, nays 11, as follows:

Yeas—Messrs. Bates, Holmes, Hostetter, Ihrig, Matthews, McLaughlin, Oliver, Stokely, Shannon, Spangler, Saylor, Shideler, Thompson, Tod, Tracy, Utter, Vanmeter, Wade, Walton, White and Speaker—21.

Nays—Messrs. Birch, Cox, Craighill, Fuller, Green, Harlan, James, Morris, Smith, Stadden, and Thomas—11.

So the question was carried.

Ordered, that the title be as aforesaid, and that the concurrence of the house in the amendments thereto be requested.

A message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill of the Senate, to wit:

A bill to incorporate the German St. John's church of Cincinnati.

Attest, W. H. BLODGET, *Clerk*.

Message from the House of Representatives.

Mr. Speaker:

The house has agreed to the amendments of the senate to the resolution of the house appointing commissioners to review the seat of justice of Mercer county.

Attest, W. H. BLODGET, *Clerk*.

The following resolutions of the house were then taken up, and postponed until the first Monday in December next:

Resolution for the survey from the mouth of Ohio Brush creek to the Marble furnace in Adams county;

Resolution authorizing a survey and estimate of the Gallipolis and Chillicothe turnpike road;

The resolution of the house authorizing the auditor of Huron county to select a section of land in lieu of school section 16, used in the construction of the Great Reservoir, was rejected.

Ordered that the House be informed thereof.

The following resolutions of the senate were taken up and indefinitely postponed:

Resolution in relation to the manner of keeping the journals of the senate;

Resolution instructing the select committee appointed to inquire what amendments are necessary to the act to regulate the times of holding the judicial courts;

Resolution of instructions to the standing committee on roads and highways.

A message from the House of Representatives.

Mr. Speaker:

The house has passed the following resolution to which the concurrence of the senate is requested:

A resolution requiring the auditor of state to call upon the county auditors for certain information.

The house has passed the following bills of the senate:

A bill to incorporate the Lancaster, Carroll, Pickaway and national road turnpike company;

A bill to organize the county of Paulding.

Attest:

W. H. BLODGET, *Clerk.*

The resolution from the house was agreed to.

Ordered that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the house has signed the following enrolled bills to which the signature of the Speaker of the senate is requested, to wit:

An act to authorize the commissioners of Franklin county to sell the poor-house of said county, and the lands attached thereto;

An act to incorporate the Worthington literati;

An act to incorporate the Wood county turnpike and draining company;

An act to prevent certain injuries to the canals belonging to this state, and for other purposes;

An act to incorporate the Chagrin Falls manufacturing company;

An act to incorporate the regular baptist church of Christ in Bucyrus in the county of Crawford;

An act to encourage the culture of silk;

An act to incorporate the New Richmond turnpike road company;

An act to incorporate first methodist society of Evansport;

An act to incorporate the first methodist episcopal church in the city of Cleveland;

An act to amend act entitled an act to authorize the holding of special courts in the county of Cuyahoga;

An act to repeal the 13th section of an act to incorporate the town of Piketown, in Pike county, passed 10th Feb., 1838;

An act for the relief of James R. Crawford;

An act to authorize the county commissioners of Hardin county to subscribe to the capital stock of the Mad river and lake Erie railroad company, and to convey certain lots;

A resolution submitting the question of the removal of the seat of justice of said county to the voters of said county at their next annual October election;

An act to amend the act relative to wills, passed February 10 1831;

An act for the relief of jurors in certain cases;

Resolution appointing commissioners to remove and locate the seat of justice of Lawrence county, if in their opinion it will be for the interest and convenience of the people of said county;

An act to incorporate the town of Alexandria in the county of Licking;

An act to incorporate the New Hagerstown female seminary;

An act to incorporate the Cadiz and Mount Vernon turnpike road company;

An act to incorporate the first congregational society of Avon in the county of Lorain;

An act to incorporate the Hannan Ferry, Mercerville, Patriot and Centreville turnpike company in the county of Gallia.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the senate signed the enrolled bills from the house.

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the house has signed the following enrolled bills and resolutions, to wit:

An act to incorporate the town of Bucyrus in the county of Crawford;

An act to amend an act entitled an act to incorporate the Cuyahoga Falls, Medina, Wellington and Norwalk turnpike road company;

An act to incorporate the parish of St. Alban's church;

An act relating to sales of real estate under judgments and decrees, within the counties of Cuyahoga and Portage;

An act to lay out and establish a state road in the counties of Pickaway and Franklin;

An act to incorporate the German evangelical protestant church of St. John, in the town of Massillon in the county of Stark;

An act amendatory of an act entitled an act to abolish imprisonment for debt, passed March 19, 1838;

An act to incorporate the Bellville railroad company;

An act to amend an act entitled an act to provide for the sale of the northeast quarter of section No. 27, in township 19, of range No. 18, in Richland county, and belonging to the original surveyed fractional township No. 18, of range 18, in Knox county, passed February 7, 1838;



An act providing for the levying a school tax in Oxford township, Butler county:

An act to amend an act entitled an act to incorporate the Perry improvement company;

An act to amend the act granting licenses and regulating taverns;

An act providing for the enlargement of the lock at the mouth of Symms' creek on the Muskingum river;

An act to change the name of the Philomathean literary society, in Guernsey county.

Attest:

W. H. BLODGET, *Clerk*.

Thereupon,

The Speaker of the senate signed the enrolled bills from the house.

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills, and resolutions, to which the signature of the Speaker of the Senate is requested, to wit:

An act to incorporate the Hamilton and Middletown turnpike company;

An act to incorporate the town of Springfield, in the county of Hamilton;

An act to lay out and establish a state road in the counties of Preble and Butler;

An act to incorporate the Auglaize seminary;

An act to incorporate the town of Reynoldsburgh, in the county of Franklin;

An act to authorize the commissioners of the county of Hamilton to borrow money;

An act to incorporate the Sidney, Carysville and Middletown road company;

An act to amend the act entitled an act prescribing the duties of county auditors;

An act to amend the act entitled, an act to incorporate the first presbyterian church of Washington in the county of Fayette;

A resolution relative to the southern termination of the Ohio canal.

Attest:

W. H. BLODGET, *Clerk*.

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the house has signed the following enrolled bills to which the signature of the Speaker of the senate is requested, to wit:

An act to authorize the commissioners of the canal fund to borrow money for the completion of public works in Ohio, and to regulate the accounts of the sinking fund;

An act to incorporate the Ohio city insurance company;

An act to create a lien in certain cases in the township of Zanesville;

An act to incorporate the state agricultural society;

An act to incorporate the Lithopolis Academy;

An act to incorporate the northwestern turnpike road company;

Attest,

W. H. BLODGET, *Clerk*.

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following resolution, to which the concurrence of the Senate is requested, to wit:

A resolution authorizing the Governor to appoint some competent person to collate the laws of a general nature, passed since the year 1830.

The House has receded from its disagreement to the amendments of the Senate to the bill of the House for the protection of railroads.

Attest,

W. H. BLODGET, *Clerk*.

The resolution from the House having been read,

Mr. Walton moved that it be indefinitely postponed.

Upon which question the yeas and nays were demanded, and were, yeas 13, nays 18; as follows, to wit:

Yeas—Messrs. Bates, Birch, Cox, Green, Harlan, Holmes, McLaughlin, Morris, Oliver, Saylor, Thomas, Walton and White—13.

Nays—Messrs. Craighill, Fuller, Hostetter, Ihrig, James, Smith, Stokely, Shannon, Spangler, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Vanmetre, Wade and Speaker—18.

So the question was lost.

Mr. Stokely then moved to amend the resolution by increasing the number of persons to be appointed to three, and making it their duty to revise as well as collate the laws, and report to the next General Assembly.

Mr. Thomas then moved that the whole subject be indefinitely postponed; upon which question the yeas and nays were demanded, and were, yeas 12, nays 20, as follows, to wit:

Yeas—Messrs. Birch, Cox, Fuller, Harlan, Holmes, McLaughlin, Morris, Oliver, Saylor, Thomas, Walton and White—12.

Nays—Messrs. Bates, Craighill, Green, Hostetter, Ihrig, James, Matthews, Smith, Stokely, Shannon, Spangler, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Vanmeter, Wade and Speaker—20.

So the question was lost.

The question then recurred on agreeing to the resolution.

Upon which question the yeas and nays were demanded, and were, yeas 18, nays 13, as follows, to wit:

Yeas—Messrs. Bates, Craighill, Green, Hostetter, Ihrig, James, Smith, Stokely, Shannon, Spangler, Shideler, Stadden, Thompson, Tod, Tracy, Utter, Vanmetre and Speaker—18.

Nays—Messrs. Birch, Cox, Fuller, Harlan, Holmes, McLaughlin, Morris, Oliver, Saylor, Thomas, Wade, Walton and White—13.

So the question was carried.

Ordered that the house be informed thereof.

Mr. Bates, from the select committee to which was recommitted the resolution providing for a review of the county seat of Williams county, reported the same back amended in accordance with the instructions. The amendments were then agreed to, and the resolution passed.

Ordered to the House for concurrence.

At 12 o'clock at night,

On motion of Mr. Ihrig,

The Senate adjourned, until Monday morning, 2 o'clock.

Attest,

C. J. McNULTY, *Clerk.*

MONDAY, *March 18, 1839.*

The Senate met pursuant to adjournment.

Mr. Walton, from the standing committee on the judiciary, to which was referred so much of the Governor's annual message as relates to fugitives from justice, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. Walton, from the standing committee on the judiciary, asked to be discharged from the further consideration of the petition of citizens of Putnam county in relation to Harman's mills, &c.; which was agreed to.

Mr. Walton, from the standing committee on the judiciary, to which was referred sundry petitions from citizens of the State, in relation to the subject of slavery, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. Morris, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled the following bills, to wit:

An act to incorporate the Scioto and Miami railroad company;

An act to incorporate the Lancaster, Carroll, Pickerington and National Road turnpike company.

Mr. Bates, from the standing committee on public lands, to which was referred the petition of Timothy Everett for relief, asked to be discharged from the further consideration thereof, and recommended that it be postponed until the first Monday in December next; which was agreed to.

Mr. Fuller, from the standing committee on schools and school



lands, to which was referred the memorial of sundry citizens of the State, praying the abolition of the office of superintendent of common schools, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. White, from the joint committee of enrollment, reported that said committee had deposited in the office of the Secretary of State, and taken his receipt for the following acts and resolutions, to wit:

An act to lay out a state road in the counties of Preble and Butler;

An act to incorporate the Auglaize seminary;

An act to incorporate the town of Reynoldsburg, in the county of Franklin;

An act to authorize the commissioners of Hamilton to borrow money;

An act to amend the act entitled an act prescribing the duties of county auditors;

An act to amend the act entitled an act to incorporate the first presbyterian church of Washington, in the county of Fayette;

An act to incorporate the Sidney, Carysville and Millerstown road company;

An act to amend an act entitled an act to incorporate the Cuyahoga Falls, Medina, Wellington and Norwalk turnpike road company;

An act to incorporate the parish of St. Alban's church;

An act relating to sales of real estate under judgments and decrees within the counties of Cuyahoga and Portage;

An act to lay out and establish a state road in the counties of Pickaway and Franklin;

An act to incorporate the German evangelical protestant church of St. John, in the town of Massillon, in the county of Stark;

An act amendatory of an act entitled an act to abolish imprisonment for debt, passed March 19th, 1838;

An act to incorporate the Bellville railroad company;

An act to amend an act entitled an act to provide for the sale of the northeast quarter of sec. No. 27, in township 19, of range 18, in Richland county, and belonging to the original surveyed fractional township No. 18, of range 18, in Knox county, passed February 7th, 1838;

An act to incorporate the Hamilton and Middletown turnpike company;

An act to incorporate the town of Springfield, in the county of Hamilton;

Resolution appointing trustees of the Ohio institution for the instruction of the blind;

Resolution in relation to the southern termination of the Ohio canal;

An act to vacate part of the state road leading from Columbus to Springfield;

An act to amend the act entitled an act prescribing the duties of county auditors, passed March 14th, 1831;

An act making special appropriations of part of the three per cent fund in the county of Perry;

An act to change the location of the state road from Palestine, in Dark county, to the Indiana State line;

An act to incorporate the Wapaukonnetta and St. Mary's railroad company;

An act to change the name of Waterford, in the county of Tuscarawas;

An act to amend an act entitled an act to incorporate the Ripley and Hillsborough turnpike company, passed February 19th, 1833, and for other purposes;

An act to incorporate the Fredonia social library, in the county of Licking;

An act to amend an act entitled an act to amend the act entitled an act to authorize the making of indexes to the judicial records in the county of Hamilton, and in other counties of this State, passed March 16th, 1836, and for other purposes, passed January 26th, 1838;

An act to incorporate the Mount Pleasant boarding school, and to adjust the difficulties existing between the orthodox and Hicksites society of friends relative thereto;

An act to incorporate the conference printing establishment of the united brethren church in the town of Circleville, Pickaway county, Ohio;

An act to amend an act entitled an act to incorporate the Cincinnati and White Water canal company, passed April 1, 1837;

An act to incorporate the Cincinnati silk company;

An act to incorporate the town of Madison, in the county of Hamilton;

An act to incorporate the town of Bucyrus, in the county of Crawford;

An act to incorporate the Roseville and Deavertown turnpike road company;

An act extending the time of payment of school section sixteen, in Hamilton county;

An act to incorporate the Meigs county high school and teachers' institute;

An act to incorporate the Wilmington and London turnpike company;

An act appointing trustees of the Miami university;

An act to incorporate the Hanover, Stillwater and Rossville turnpike road company;

An act to incorporate the Little Hockhocking bridge company;

An act to authorize a graded state road in Morgan and Athens counties;

An act to incorporate the master and wardens of St. John's lodge, No. 13, in the town of Dayton;

An act to incorporate the Venice and Milton turnpike road company;

An act making a special appropriation of the three per cent fund for the county of Knox;

An act to change part of the state road leading from Worthington to Galena;

An act to authorize county surveyors in certain cases to survey lands and town lots without the county;

An act to establish a state road in the counties of Sandusky and Seneca;

An act to authorize a graded state road in Morgan county;

An act to incorporate the wardens and vestrymen of St. Matthew's church, in the township of Madison, county of Muskingum;

An act to amend an act entitled, an act for the support and better regulation of common schools, and to create permanently the office of superintendent;

An act to incorporate the Fairfield library association, in the county of Huron;

An act to establish a state road in the counties of Dark and Mercer;

An act to authorize a graded state road from Colerain post office, to intersect the graded state road from Cumberland, in Guernsey county, to Sharon, in the county of Morgan;

An act to authorize a review and change of a part of the state road from Proctor's store, to the town of Patriot;

An act to amend an act entitled, an act to incorporate the Portsmouth and Hanging Rock turnpike company, passed April 1st, 1837;

An act to lay out and establish a graded state road in the counties of Tuscarawas, Carroll and Columbiana;

An act to establish a state road in the counties of Franklin, Delaware and Marion;

An act to incorporate the trustees of the Ravenna female seminary;

An act to establish a graded state road from Lancaster to McArthurstown;

An act to incorporate the Malta lyceum;

An act to amend the act entitled, an act to incorporate the Gallipolis and Chillicothe turnpike company, and the acts amendatory thereto;

An act to divorce Mary Ellen Inskeep from her husband, Wm. H. Inskeep;

An act to vacate part of a state road in the county of Butler;

An act providing for the levying of a school tax in Oxford township, in Butler county;

An act to incorporate the first congregational society of Akron, in the county of Lorain;

An act to incorporate the Hannan Ferry, Mercerville, Patriot and Centreville turnpike company, in the county of Gallia;

An act to incorporate the first baptist church of St. Alban's, in the county of Licking;

An act to incorporate the first evangelical Lutheran church of Strasburg, in Tuscarawas county;

An act to incorporate the first methodist episcopal church of Strasburg, in Tuscarawas county;



An act to incorporate the methodist episcopal church of Ganger, in Medina county;

An act to incorporate the town of Lima, in the county of Stark;

An act to incorporate the united brethren in Christ's church of Strasburg, in Tuscarawas county;

An act to incorporate the first baptist church at Mill Creek, Delaware county;

An act to incorporate the first baptist church at Sunbury, Delaware county, Ohio;

An act further to amend an act to incorporate the Hamilton, Ross-ville, Somerville, Newcomb, and Eaton turnpike company;

An act to amend the act entitled, an act to incorporate the Clarks-ville, Cuba, Snowhill, New Lexington and Leesburg turnpike road company, passed January 25, 1839;

An act to incorporate the Eaton and Lewisburg turnpike road company;

An act to amend the act entitled, an act to incorporate the Vermillion and Ashland railroad company, passed March 23, 1837;

An act to incorporate the first congregational presbyterian church of Strasburg, in Tuscarawas county;

An act to amend an act to incorporate the Hamilton, Rossville, Darr-town, Oxford and Fairhaven turnpike company;

An act to incorporate the Granville fire company, in the county of Licking;

An act to establish and lay out a state road in the counties of Allen and Hardin;

An act to amend an act entitled, an act for the redemption of lands and town lots sold for taxes, passed March 3, 1831;

An act further to amend the act entitled, an act concerning divorce and alimony, passed January 7, 1824;

An act to incorporate the Miamisburg fire insurance company;

An act for the relief of David Hayward and Thomas Sands;

An act to change the name of the philomathean literary institute, Guernsey county;

An act to amend the act granting licenses and regulating taverns;

An act providing for the enlargement of the lock at the mouth of Symms' creek, on the Muskingum river;

An act to amend the act entitled, an act to incorporate the Perry improvement company;

A resolution rescinding a resolution providing for the distribution of the fifth section of an act to amend an act entitled, an act to establish the Miami university, passed Feb. 19, 1809, and for other purposes, passed March 22, 1831;

Resolution authorizing the commissioners of Sandusky county to use certain moneys now in their hands;

Resolution appointing a register of the Virginia military school district lands;

Resolution appointing bank commissioners;

Resolution appointing a board of public works;

Resolution to continue Wm. H. Price as canal commissioner;

Resolution exonerating Jacob Morgan and Guy Nearing from the payment of certain sums of money due by them to the deaf and dumb asylum;

Resolution authorizing the directors of the Ohio lunatic asylum to purchase a certain quantity of land adjoining thereto;

An act to amend the act relative to wills, passed Feb. 18, 1831;

An act to incorporate the Cadiz and Mount Vernon turnpike road company;

An act to incorporate the New Hagerstown female seminary;

An act to incorporate the town of Alexandria, in the county of Licking;

An act for the relief of jurors in certain cases;

An act to incorporate the northwestern turnpike company;

An act to incorporate the Lithopolis academy;

An act to incorporate the state agricultural society;

An act to create a lien in certain cases in the township of Zanesville;

An act to incorporate the Ohio city insurance company;

An act for the relief of James W. Crawford;

An act to repeal the 13th section of an act to incorporate the town of Piketon, in Pike county, passed Feb. 10, 1838;

An act to incorporate the first methodist episcopal church, in the city of Cleveland;

An act to incorporate the methodist society of Evansport;

An act to incorporate the new Richmond turnpike road company;

An act to encourage the culture of silk;

An act to incorporate the regular baptist church of Christ, in Bucyrus, in the county of Crawford;

An act to incorporate the Chagrin Falls manufacturing company;

An act preventing certain injuries to the lands belonging to this state, and for other purposes;

An act to incorporate the Wood county turnpike and draining company;

An act to incorporate the Worthington literati;

An act to enable the commissioners of Franklin county to sell the poor house of said county, and the lands attached thereto;

An act to amend an act entitled, an act to authorize the holding of special courts in the county of Cuyahoga;

An act to authorize the commissioners of the county fund to borrow money for the completion of public works in Ohio, and regulate the accounts of the sinking fund;

An act to authorize the county commissioners of Hardin county to subscribe to the capital stock of the Mad river and Lake Erie railroad company, and to convey certain lots;

Resolution appointing commissioners to remove and locate the seat of justice of Lawrence county, if in their opinion it will be for the interest and convenience of the people of said county;

Resolution submitting the question of the removal of the seat of justice of said county to the voters of said county at their next annual October election.

A message from the House of Representatives.

Mr. Speaker:

The house has disagreed to the amendments of the senate to the bill of the house to punish betting on elections, and ask a committee of conference.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Smith,

The request of the house for a committee of conference was acceded to, and Messrs. Craighill and Smith were appointed said committee on the part of the senate.

Ordered that the house be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The house has agreed to the amendments of the senate to the following bills and resolution of the house:

Resolution providing for running and permanently establishing the line between Adams and Scioto counties;

A bill to punish certain crimes therein named;

A bill further to amend the act entitled, an act to prohibit the issuing and circulating of unauthorized bank paper, passed January 27, 1816.

Attest,

W. H. BLODGET, *Clerk.*

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the house has signed the following enrolled bills and resolutions, to which the signature of the Speaker of the Senate is also requested:

An act to authorize a review and alteration of a part of a state road from Worthington, in Franklin county, to Maysville in the county of Union;

An act to incorporate the citizens' fire company of Chillicothe;

An act to amend an act to incorporate the town of Perrysburg;

An act for the relief of Arthur Taggart;

An act to incorporate the German Saint John's church of Cincinnati;

An act to vacate part of a state road in the county of Columbiana;

An act to incorporate the second presbyterian society of Columbus;

An act to amend an act entitled, an act to incorporate the town of Albion, in the county of Cuyahoga, passed March 8, 1831;

An act for the relief of George G. Baker and George H. Lewis;

An act to authorize the sale of section sixteen, in township five, range two, Jefferson county;



An act to incorporate the protestant episcopal church of Cleveland;  
 An act to authorize the trustees of the methodist episcopal church of the town of Newark, to sell certain real estate;

An act to incorporate the methodist episcopal church of Uricksville, in the county of Tuscarawas;

Resolution instructing the treasurer to transmit to the secretary, U. S., a copy of a report in regard to certain funds;

Resolution requiring the transmission of extra copies of the laws to Portage county;

An act to revive the act entitled an act to incorporate the Bellefontaine and Perrysburg railroad company, passed April 3, 1837;

An act restraining the corporate authorities of the city of Cleveland in the exercise of certain powers, and for other purposes;

An act to incorporate the Lancaster military hall association;

An act to enlarge the corporate limits of the town of Zanesville;

An act for the disposition of unclaimed costs;

Resolution for the safe keeping of the instruments &c. of the geological corps;

Resolution requesting the Governor to appoint a day of thanksgiving;

An act for the protection of railroads;

An act making appropriations for the year eighteen hundred and thirty-nine;

Resolution for distributing the laws and journals of the present General Assembly;

Resolution authorizing a revision of the laws;

Resolution approving of models for new state house;

Resolution in relation to certain copies of the act appointing a board of bank commissioners, and for the regulation of banks within the state of Ohio, and for other purposes;

Resolution appointing trustees of the deaf and dumb asylum;

Resolution requiring the secretary to forward to members of the General Assembly, reports of the geological corps;

Resolution authorizing the secretary to case the printing of certain laws for sale.

Attest, W. H. BLODGET, Clerk.

Thereupon,

The Speaker of the senate signed the enrolled bills from the house.

A message from the house of Representatives.

Mr. Speaker:

The house has agreed to the amendments of the senate to the following bill of the house, to wit:

A bill authorizing the auditor of Meigs county to receive the surrender of certain leases of school lands therein named, and to give certificates of purchase therefor.

The house has agreed to the resolution of the senate authorizing the quarter master general to use the building of the old prison for a cer-

tain purpose, with one amendment, to which the concurrence of the senate is requested.

Attest,

W. H. BLODGET, *Clerk.*

The amendment of the house to the resolution of the senate was agreed to.

Ordered, that the House be informed thereof.

Message from the house of Representatives.

Mr. Speaker:

The house has agreed to the amendments of the senate to the following bill of the house:

A bill restraining the corporate authorities of the cities of Cincinnati and Cleveland in the exercise of certain powers, and for other purposes;

A bill to revive the act entitled an act to incorporate the Bellfontaine and Perrysburg railroad company, passed April 3, 1837;

A bill to authorize a review and alteration of part of the state road leading from Worthington in Franklin county, to Marysville in the county of Union.

The house has disagreed to the amendments of the senate to the bill of house to authorize the commissioners of Knox county to borrow money for certain purposes from the fund of the surplus revenue, deposited with said county.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Tod,

The senate insisted upon their amendment to the bill of the house.

Ordered that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the house has signed the following enrolled bills and resolutions to which the signature of the Speaker of senate is requested, to wit:

An act to incorporate the town of Johnstown in the county of Licking;

Resolution providing for revising and permanently establishing the line between Adams and Scioto counties.

The house has passed the following resolution to which the concurrence of the senate is requested:

Resolution instructing the canal fund commissioners not to take any action under the 7th section of the act authorizing the fund commissioners to borrow money for the sinking fund during the ensuing year.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the senate signed the enrolled bills and resolution from the house.

On motion of Mr. James,

The resolution from the house was indefinitely postponed.

Ordered that the house be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The house has passed the following resolutions, to which the concurrence of senate is requested:

Resolution authorizing a survey and estimate of Stillwater creek from Uricksville to its confluence with the Tuscarawas river;

Resolution authorizing a survey and estimate of a canal route from the Ohio canal by way of Jonathan's creek to its junction with the Muskingum river.

Attest,

W. H. BLODGET, *Clerk.*

The resolutions from the house were postponed until the first Monday in December next.

Upon the postponement of the resolution in relation to the survey and estimate of Still Water creek,

Mr. Stokely demanded, the yeas and nays, which were ordered, and were, yeas 16, nays 12, as follows:

Yeas—Messrs. Bates, Harlan, Holmes, James, McLaughlin, Morris, Spangler, Saylor, Shideler, Thompson, Tod, Thomas, Tracy, Utter, Wade and Speaker—16.

Nays—Messrs. Birch, Cox, Fuller, Green, Hostetter, Ihrig, Rodgers, Stokely, Stadden, Shannon, Walton and White—12.

So the question was lost.

Ordered that the House be informed thereof.

Mr. White, from the joint committee on enrollment, reported that they had examined and found duly enrolled, the following acts and resolutions, to wit:

An act to incorporate the German Saint John's church of Cincinnati;

An act for the relief of Arthur Taggart;

An act to amend an act to incorporate the town of Perrysburg;

An act to incorporate the citizens' fire company of Chillicothe;

An act to authorize a review and alteration of a part of the state road from Worthington, in Franklin county, to Maysville, in the county of Union;

An act to vacate part of a state road in the county of Columbiana;

An act to incorporate the second presbyterian society of Columbus;

An act to amend an act entitled, an act to incorporate the town of Albion, in the county of Cuyahoga, passed March 8, 1836;

An act for the relief of George G. Baker and George R. Lewis;

An act to authorize the sale of section sixteen, township five, range two, Jefferson county;

An act to amend the act entitled, an act relating to information in the nature of quo warranto, and regulating the mode proceeding thereon, passed March 17, 1838;



Resolution appointing commissioners to review the seat of justice for Mercer county;

An act for the relief of George Arnold, guardian of Bennet Dine, a lunatic;

An act to incorporate the relief fire company of Zanesville;

An act to divide the town of Akron, in Portage county, into two school districts;

An act to incorporate the Monroeville fire company, No. 1;

An act to lay out a state road in the counties of Preble and Butler;

An act to enlarge the corporate limits of the town of Zanesville;

An act to incorporate the Lancaster military hall association;

An act restraining the corporate authorities of the city of Cleveland in the exercise of certain powers, and for other purposes;

An act for the disposition of unclaimed costs;

Resolution for distributing the laws and journals of the present general assembly;

Resolution for the safe keeping of the instruments, &c., of geological corps;

An act for the protection of railroads;

An act making appropriations for the year eighteen hundred and thirty-nine;

Resolution requesting the governor to appoint a day of thanksgiving;

An act to revive the act entitled, an act to incorporate the Bellefontaine and Perrysburg railroad company, passed April 3, 1837;

An act for the relief of holders of leases on section sixteen;

Resolution requiring the secretary of state to forward to members of this general assembly, reports of the geological corps;

Resolution appointing trustees of the deaf and dumb asylum;

Resolution in relation to certain copies of the act appointing a board of bank commissioners and for the regulation of banks within the state of Ohio, and for other purposes;

Resolution approving of the model for the new state house;

Resolution authorizing the secretary to cause the printing of certain laws for sale;

Resolution authorizing revision of the laws;

Resolution instructing the treasurer to transmit to the secretary of the U. S., copy of a report in regard to certain funds;

Resolution requiring the transmission of extra copies of the laws to Portage county;

Resolution approving of the course of the general government and the authorities of Maine, in relation to the northeastern boundary;

Resolution authorizing the quarter-master general to use the old state prison buildings for the storage of the public arms;

An act regulating sales at auction in the county of Hamilton;

An act to incorporate the proprietors of the Akron rural cemetery;

An act to organize the county of Paulding;

A message from the House of Representatives.

Mr. Speaker:

The resolution of the House for the review of the seat of justice of Williams county, with the proposed amendments of the Senate to the same, has been sent to the House, the latter being unattested, and without particular specification.

Attest,

W. H. BLODGET, *Clerk.*

On motion of Mr. Tod,

It was ordered that the amendments be attested, and with the resolution returned to the House.

Ordered that the House be informed thereof.

A message from the House of Representatives.

Mr. Speaker:

The House has agreed to the report of the committee on conference on the bill of the House to punish betting on election, and request that the bill may be returned to them.

The House has agreed to the amendments of the Senate to the bill of the House to incorporate the town of Johnstown, in the county of Licking;

Attest:

W. H. BLODGET, *Clerk.*

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills and resolutions, to which the signature of the Speaker of the Senate is also requested, to wit:

Resolution authorizing the quarter-master-general to use the old state prison buildings for the storage of the public arms;

An act regulating sales at auction in the county of Hamilton;

An act to incorporate the proprietors of the Akron rural cemetery;

An act to organize the county of Paulding;

Resolution approving of the course of the General Government and the authorities of Maine in relation to the northeastern boundary;

An act to incorporate the Scioto and Miami railroad company;

An act for the relief of holders of leases on section sixteen;

An act to incorporate the Lancaster, Carroll, Pickerington and National road turnpike company;

An act to divide the town of Akron in Portage county, into two school districts;

An act for the relief of George Arnold, guardian of Bennet Dine, a lunatic;

An act to incorporate the relief fire company of Zanesville;

An act to amend the act entitled, an act relating to information in

the nature of quo warranto, and regulating the mode of proceeding thereon, passed March 17, 1838;

An act to incorporate the Monroeville fire company, number one;

Resolution appointing commissioners to review the seat of justice for Mercer county.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the Senate signed the enrolled bills and resolutions from the House.

A message from the House of Representatives.

Mr. Speaker:

The House has appointed Messrs. Goddard, Lowe and Buchanan a committee of conference on the part of the House on the bill of the House to punish betting on elections.

Attest,

W. H. BLODGET, *Clerk.*

A message from the House of Representatives.

Mr. Speaker:

The House has receded from their disagreement to the amendments of the Senate to the bill of the House, No. 474, to authorize the commissioners of Knox county to borrow money for certain purposes from the surplus revenue deposited with said county, and have agreed to the same.

Attest,

W. H. BLODGET, *Clerk.*

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills and resolutions, to which the signature of the Speaker of the Senate is also requested, to wit:

An act further to amend the act entitled an act to prohibit the issuing and circulating of unauthorized bank paper, passed January 27, 1816;

An act to punish certain crimes therein named;

An act to authorize the commissioners of Wood and Hancock counties, to subscribe to the capital stock of the Bellefontaine and Perrysburgh railroad company, and to borrow money;

An act to incorporate the Hibernian benevolent society of Cincinnati.

Attest:

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the Senate signed the enrolled bills from the House.

Mr. Stadden, from the select committee to which was recommitted



the bill (H. No. 452) to incorporate the town of Johnstown in the county of Licking, reported the same back with sundry amendments; which were agreed to, and the bill was passed.

Ordered that the title be as aforesaid, and that the concurrence of the House be requested.

Mr. Smith, from the committee of conference on the disagreement between the two Houses, in relation to the amendments to the bill of the House to punish betting on elections, reported that said committee had agreed to recommend to their respective Houses that the House recede from their disagreement to the amendment of the Senate to said bill, which was agreed to.

Ordered that the House be informed thereof.

On motion of Mr. Green,

The resolutions of the Senate, propounding certain interrogatories to the banks of this State, were taken up.

Mr. Thompson moved that they be postponed until the first Monday in December next.

Upon which question the yeas and nays were demanded, and were, yeas 14, nays 13, as follows:

Yeas—Messrs. Bates, Craighill, Holmes, Hostetter, Ihrig, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—14.

Nays—Messrs. Birch, Fuller, Green, Harlan, James, Morris, Rodgers, Smith, Stokely, Shannon, Thomas, Wade and White—13.

So the question was carried.

On motion of Mr. Thomas,

The bill (S. No. 202) supplementary to the act appointing the board of bank commissioners, &c., was taken up.

Mr. Tod moved that it be postponed until the first Monday in December next.

Upon which question the yeas and nays were demanded, and were, yeas 15, nays 13, as follows, to wit:

Yeas—Messrs. Bates, Craighill, Holmes, Ihrig, McLaughlin, Shannon, Spangler, Saylor, Shideler, Stadden, Thompson, Tod, Utter, Walton and Speaker—15.

Nays—Messrs. Birch, Fuller, Green, Harlan, Hostetter, James, Morris, Rodgers, Smith, Stokely, Thomas, Tracy and Wade—13.

So the question was carried.

Mr. Holmes moved a reconsideration of the vote taken on the indefinite postponement of the resolution from the house, in relation to the action of the canal fund commissioners;

Upon which question, the yeas and nays were demanded, and were, yeas 14, nays 17, as follows, to wit:

Yeas—Messrs. Bates, Craighill, Fuller, Holmes, Hostetter, Ihrig, Stadden, Thompson, Tod, Thomas, Utter, Wade, Walton and White—14.

Nays—Messrs. Birch, Cox, Fuller, Harlan, James, McLaughlin,

Morris, Rodgers, Smith, Stokely, Shannon, Spangler, Saylor, Shideler, Tracy, Vanmeter and Speaker—17.

So the question was lost.

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the house has signed the following enrolled bill, to which the signature of the Speaker of the senate is also requested, to wit:

An act to punish betting on elections, and for other purposes.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon,

The Speaker of the Senate signed the enrolled bill from the House.

A message from the House of Representatives.

Mr. Speaker:

The house has agreed to the amendments of the senate to the resolution of the house, relative to a review and location of the seat of justice of Williams county.

Attest,

W. H. BLODGET, *Clerk.*

Mr. Morris, from the committee on enrollment, reported that said committee had examined and found duly enrolled the following bill and resolution, to wit:

An act to authorize the commissioners of Knox county to borrow money for certain purposes, from the fund of the surplus revenue deposited with said county;

Resolution for a review of the seat of justice of Williams county.

Mr. White, from the joint committee on enrollment, reported that said committee had examined and found duly enrolled the following acts and resolution, to wit:

Resolution providing for running and permanently establishing the line between Adams and Scioto counties;

An act to incorporate the town of Johnstown, in the county of Licking;

An act to punish betting on elections, and for other purposes.

A message from the House of Representatives.

Mr. Speaker:

The Speaker of the house has signed the following enrolled bill and resolution, to which the signature of the Speaker of the senate is also requested, to wit:

Resolution for a review of the seat of justice of Williams county;

An act to authorize the commissioners of Knox county to borrow money for a certain purpose from the fund of the surplus revenue deposited with said county.

Attest,

W. H. BLODGET, *Clerk.*

Thereupon, the Speaker of the senate signed the enrolled bill and resolution from the house.

Mr. Cox, from the standing committee on enrollment, reported that said committee had deposited in the office of the secretary of state, and taken his receipt for the following enrolled acts and resolutions, to wit:

An act making appropriations for the year eighteen hundred and thirty-nine;

An act for the relief of Arthur Taggart;

An act to incorporate the German St. John's church of Cincinnati;

An act to incorporate the protestant episcopal church of Cleveland;

An act to authorize the trustees of the methodist episcopal church of the town of Newark to sell certain real estate;

An act to incorporate the methodist episcopal church of Uricksville, in the county of Tuscarawas;

An act to incorporate the citizens' fire company of Chillicothe;

An act to amend an act to incorporate the town of Perrysburg;

An act to incorporate the second presbyterian society of Columbus;

An act to vacate part of a state road in the county of Columbiana;

An act for the relief of George G. Baker and George R. Lewis;

An act to amend an act entitled an act to incorporate the town of Albion, in the county of Cuyahoga, passed March 8, 1831;

An act to authorize the sale of section sixteen, township five, range two, Jefferson county;

An act to authorize a review and alteration of a part of the state road from Worthington, in Franklin county, to Marysville, in the county of Union;

An act for the protection of railroads;

An act for the disposition of unclaimed costs;

An act to enlarge the corporate limits of the town of Zanesville;

An act to incorporate the Lancaster military hall association;

An act to revive the act entitled an act to incorporate the Bellefontaine and Perrysburg railroad company, passed April 3, 1837;

An act restraining the corporate authorities of the city of Cleveland in the exercise of certain power, and for other purposes;

Resolution for distributing the laws and journals of the present general assembly;

Resolution appointing trustees of the deaf and dumb asylum;

Resolution for the safe keeping of the instruments, &c. of the geological corps;

Resolution in relation to certain copies of the act appointing a board of bank commissioners, and for the regulation of banks within the State of Ohio, and for other purposes;

Resolution requesting the Governor to appoint a day of thanksgiving;

Resolution requiring the secretary to forward to members of this general assembly, reports of the geological corps;



Resolution approving of model for new state house;

Resolution authorizing a revision of the laws;

Resolution requiring the transmission of extra copies of the laws to Portage county;

Resolution authorizing the secretary to cause the printing of certain laws for sale;

Resolution instructing the treasurer to transmit to the secretary of the treasury of the United States, a copy of a report in regard to certain funds;

Resolution authorizing the quarter master general to use the old state prison buildings for the storage of the public arms;

Resolution providing for running and permanently establishing the line between Adams and Scioto counties;

Resolution appointing commissioners to review the seat of justice for Mercer county;

Resolution approving of the course of the general government and the authorities of Maine, in relation to the northeastern boundary;

An act to incorporate the Lancaster, Carroll, Pickerington and National Road turnpike company;

An act for the relief of holders of leases on section sixteen;

An act to incorporate the Scioto and Miami railroad company;

An act to divide the town of Akron, in Portage county, into two school districts;

An act for the relief of George Arnold, guardian of Bennet Dine, a lunatic;

An act to incorporate the relief fire company of Zanesville;

An act to amend the act entitled an act relating to information in the nature of quo warranto, and regulating the mode of proceeding thereon, passed March 17, 1838;

An act to incorporate the Hibernian benevolent society of Cincinnati;

An act to incorporate the town of Johnstown, in the county of Licking;

An act to punish certain crimes therein named;

An act further to amend the act entitled an act to prohibit the issuing and circulating of unauthorized bank paper, passed January 27th, 1816;

An act to authorize the commissioners of Wood and Hancock counties to subscribe to the capital stock of the Bellefontaine and Perrysburg railroad company, and to borrow money;

An act to organize the county of Paulding;

An act to incorporate the proprietors of the Akron rural cemetery;

An act to incorporate the Monroeville fire company No. 1;

An act regulating sales at auction in the county of Hamilton;

An act to punish betting on elections, and for other purposes;

An act to authorize the commissioners of Knox county to borrow money for certain purposes, from the fund of the surplus revenue deposited with said county;

Resolution for the review of the seat of justice of Williams county

A message from the House of Representatives.

Mr. Speaker:

The house has finished the legislative business before them, and are now ready to adjourn *sine die*.

Attest,

W. H. BLODGET, *Clerk*.

On motion of Mr. Walton,

It was ordered that a message be sent to the House of Representatives, informing them that the Senate has now finished the legislative business before them, and was ready to adjourn *sine die*.

At half past 5 o'clock, A. M.,

On motion of Mr. Saylor,

The Senate adjourned *sine die*.

Attest,

C. J. McNULTY, *Clerk*.

APPENDIX  
TO THE  
JOURNAL OF THE SENATE;  
CONTAINING  
REPORTS OF COMMITTEES  
REFERRED TO IN SAID JOURNAL.

---

(A.)

*Report of the standing committee on the judiciary, on the petition of Hugh Murray. December 15, 1838. By Mr. Walton.*

The standing committee to whom was referred the petition of Hugh Murray, praying a divorce from his wife Margaret Murray, have had the subject under consideration, and now ask leave to report :

The petition of the complainant sets forth, that on the 24th day of May, 1838, he was joined in marriage to Margaret Stephenson, (now Margaret Murray); that on the 14th day of October, 1838, (4 months and 20 days after the marriage) she the said Margaret was delivered of a child, which had arrived to its proper time.

The complainant says he left the county of Richland (the place of residence of the said Margaret,) in the month of November, 1837, and went to New Orleans, and returned to said county on the 20th of February, 1838, (about 8 months before the birth of said child), and on the 2d of April, 1838, visited the said Margaret for the first time after his return to said county.

The complainant alleges that he believes that the said Margaret had illicit intercourse with other men ; and that the child is not his, but was begotten during his absence, and says she has admitted the fact. It appears from the deposition of James Jamison, that the said Margaret, when in her 13th year, came to reside in his (deponent's) family, and continued to reside there until her marriage with the complainant, which, he says, took place at his house on the 24th of May, 1838 ; that about 14 months previous to the marriage, the said Hugh, the complainant, commenced his addresses to the said Margaret ; that in the fall of 1837, (deponent thinks November), said Hugh left the county. That the first time



he saw the said Hugh at his (deponent's) house, visiting said Margaret, was on the night of the 2d of April, or night of the township election. That during the absence of said Hugh, she was visited by Aaron Cunningham; that the last time said Cunningham visited said Margaret, was after said Murray (the complainant) returned to the country; that Cunningham visited said Margaret between 5th and 15th of January, 1838, at the house of deponent; (about 8½ or 9 months before the birth of the child;) that about the 22d of October, 1838, about a week after the birth of the child, he (deponent) visited said Margaret, when she stated that the child did not belong to Murray. He further states, that the child appeared to have arrived at its proper time; that the said Margaret is about 22 years of age; and that he suspected said Margaret was in a state of pregnancy, three months before the marriage.

It further appears from the deposition of George Murray, that the complainant left the county of Richland, some time in the fore part of November, 1837, for the south, and returned on the 20th of February, 1838; that he was present at the marriage of Hugh Murray and Margaret Stephenson, which took place at the house of Mr. John Jameson on the 4th of May, 1838; that on the 15th of October, 1838, said Margaret was delivered of a child which appeared to have arrived to its proper time.

It also appears from the deposition of Samuel Urie, that Hugh Murray left Richland county about the 1st of November, 1837, for the south, and returned about the last of February, 1838; and by one sweeping clause, says, that "if said Murray had been in the county deponent would have known it."

Here ends the whole of the testimony presented in the case.

In the "Shield and Banner," a paper purporting to be published in Mansfield, of the date of the 29th of November, 1838, is inserted the following: "Notice is hereby given that a petition will be presented to the next legislature at the city of Columbus, in 1838, praying for the passage of a law to divorce Hugh Murray from his wife Margaret Murray—on account of fraud in the marriage contract, and other reasons in the petition of the complainant alleged. Dated 29th Oct., 1838."

As to the alleged admissions of the wife, the committee cannot feel warranted to allow them any force. It is well settled, both by statute and by rule of the Supreme Court of this State, and that too for the most obvious reasons of policy, that the confessions and admissions of either of the parties never can be admitted as evidence on the trial of cases for divorce. The same reasons which operate to exclude such evidence in a court of justice, apply with equal force when a like cause is submitted to the consideration of the legislature. The petitioner undertakes to show an impossibility on his part to have had access to the said Margaret at the time said child was begotten, by proving an *alibi*. It may be true that he was absent and that they had not access at the commencement of the usual time allowed for gestation previous to the birth of the child. But the conclusion that he is the father of the child is not fully excluded by the

testimony. It is shown in two of the depositions, that the complainant did return, and was in the county of Richland on the 20th of February, 1838, (about 8 months before the birth of the child.) And your committee cannot come to the conclusion that this is not one of those cases which forms an exception to the general rule.

But the committee do not esteem it material whether they are correct or not in arriving at this conclusion from the facts presented. There is another view of the case which determines them at once to reject the application of the petitioner. He sets forth in the notice above quoted that he will petition the legislature for the divorce "on account of fraud in marriage contract." Were it even true, as the petitioner alleges, that the child of the said Margaret is not his, but begotten by some other, it would still seem difficult to place the application on any other ground, to wit: *on the ground of fraudulent contract*. By the act of March 1st, 1834, jurisdiction is given to the Supreme Court to dissolve the marriage contract for that cause. Your committee, therefore, believe that to be the proper tribunal for the complainant, if the facts be with him. That the legislature should not entertain applications for divorce, in cases where the Supreme Court has jurisdiction, may now, as a general rule, be taken to be pretty well settled, and that too for the most obvious reasons of public policy.

Your committee would, therefore, offer for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his petition.

---

(B.)

*Report of the standing committee on the judiciary, on the petition of Urias and Phebe Keeler. December 15, 1838. By Mr. Smith.*

The standing committee on the Judiciary, to which was referred the petition of Urias Keeler and Phebe Keeler, otherwise called Phebe Dunbar, praying that the said Phebe may be divorced from her husband, Ananias Dunbar, together with the accompanying documents, have examined the subject and submit the following report:

The petitioners allege that the said Phebe, who is now known by the name of Phebe Keeler, in the year 1817 or 1818, when she was about fifteen years of age, was married to one Ananias Dunbar in the county of Hamilton, Ohio; that they resided together about four or five months, when her husband abandoned her and went as she was shortly afterwards informed, to the town of Natchez in the State of Mississippi: that ever since he deserted her he has continued to reside, as petitioners believe, in some of the southwestern States. That he has not, as the said Phebe alleges, since he left her, held any corres-

pondence with her, nor in any manner communicated to her the place of his residence, or any other matter; nor has he visited her: and that for a number of years from the period of his departure, she had no information of his existence; but from his long absence, and his failure to communicate any intelligence of his existence, she presumed that he was dead, and upon that supposition, on the sixteenth day of October, 1826, she was married to Urias Keeler who represents that he was altogether ignorant of Dunbar. That after the marriage of the said Urias and Phebe, it was reported that Dunbar was living somewhere in the State of Mississippi, was married, and had been married for a long time: that at the June term of the Supreme Court for Warren county, in the year 1833, the said Phebe, in the name of Phebe Dunbar, filed her petition for a divorce from her former husband; that the Court refused to grant her prayer, and dismissed her petition; that the petitioners have five children living, and as they can have no relief from the Court, to which the power of granting divorces has been given, they pray the Legislature to dissolve the marriage contract existing between the said Phebe and said Dunbar; that the existing marriage between the petitioners may be declared valid and binding, and their children declared legitimate.

Accompanying the petition is a written statement signed by a large number of citizens, many of them known to be persons of high standing and respectability, who state that they are personally acquainted with the petitioners, and are anxious that their prayer may be heard.

The depositions of seven witnesses have been taken in support of the petition. Three of them testify in general terms, that the facts stated in the petition are true as they verily believe.

*John Wilkinson* testifies that he was personally acquainted with Dunbar and wife; that he lived a near neighbor to said Dunbar; that he was married in 1817 or 1818; that sometime after their marriage Dunbar and his wife separated; that the common report of the neighborhood was, that they lived a very disagreeable life; that he was very cross to her, and that said Phebe bore a general good character.

*James B. Harper* testifies in substance, that in 1827 or 28, he was personally acquainted with Ananias Dunbar, who was then living in the State of Louisiana; that he had a family of a wife and two children, that he said was his; he told witness that he married a lady that lived in the city of Philadelphia, and requested witness not to state to his family that he had known him in Ohio.

*Samuel Beeler* states that he was personally acquainted with Dunbar and wife; that they were married in 1818 or 1819; that a short time after their marriage, for some cause not known to witness, they separated; and shortly after their separation Dunbar left the State; and from reports, has settled himself somewhere in the southern States. That he was acquainted with said Phebe from her childhood, and that she has always bore a general good character to the present time.

*D. E. Mills* testifies that he was personally acquainted with Dunbar and wife; that he was a near neighbor to him; that sometime af-



ter their marriage, they separated; that the common report of the neighborhood was, that they lived a very disagreeable life; that about two years after their separation, Dunbar returned to the neighborhood where he had formerly resided; that at that time, Dunbar informed witness that he had located himself in the South; that he was married again; and had a wife there; that Phebe, the wife of Dunbar, bore a general good character.

By the laws of Ohio, the power of granting divorces is conferred upon the Supreme Court; and the causes for which a divorce may be granted by that tribunal, are specifically enumerated. The causes of divorce are perhaps as numerous and specific, as good policy would require should be specially prescribed in the statute. Cases however of peculiar hardship and of decided merit, as has been supposed, and not provided for by law, and when the court could grant no relief, have frequently been presented to the Legislature. Whatever may have been the *policy* of entaining these applications in the first instance, a long series of legislative precedents has, as far as precedent can do it, sanctioned the *power* of the General Assembly to interfere and give relief in cases of a peculiar character not provided for by law. One of two things seems certain, either unlimited discretion in cases of divorce must be conferred upon the courts aside from enumerated causes; or cases decidedly meritorious, not provided for, and when some tribunal should grant relief, will occasionally arise. It would be almost utterly impracticable in the various and diversified circumstances of life, for the Legislature by a general act to provide for every case.

Your committee while they venture this remark, entertain the most decided opinion in favor of the sanctity of the marriage contract: it should never be annulled, but upon the most deliberate consideration, and for the most weighty reasons. The power to annul this contract, has been wisely conferred upon the highest judicial tribunal in the State. The power is one of a delicate and important character, and in the opinion of your committee, prudence, good policy, and the best interests of the community, should confine the action of the Legislature in matters of divorce, to cases of a character decidedly meritorious; and which are either not embraced by the provisions of the general laws concerning divorce,—or where by the general law of evidence and the established practice of the Supreme Court, some insuperable barrier is interposed to prevent that tribunal from granting relief.

The principal question presented for our consideration here is, is the present case one of that character; and does it come within the exception, and present a proper case for legislative interference? The facts of the case show, that the petitioner Phebe was married at an early age to Dunbar—that shortly after marriage they separated, he abandoned her, left the country, settled in a distant State, and, as the committee believe, is satisfactorily proven aside from his confession, which should perhaps be rejected, intermarried with another woman. The precise time of his marriage does not appear from the testimony; the evidence however renders it probable that it must have been as early as 1825; that some seven or eight years after he abandoned his

wife, who perhaps at the time of his deserting her, had not arrived at the age of sixteen years, she, entertaining the belief that he was dead, intermarried with the person with whom she now lives, whom she considers her husband and who is the father of her children. The imprudence of this step, without having first sought the aid of the court to dissolve the marriage contract, is admitted; the fact that she had good reason under the circumstances, to presume his death from the length of time that he was absent, if her statement be correct, and her uniform good character from childhood to the time of taking testimony, as established by that testimony, in the opinion of your committee rebuts any presumption of a wilful design or intention on her part to violate the laws of the State, or the known rules of morality.

The petitioner has applied to the Supreme Court for relief; that tribunal must be governed in its adjudications by a system of uniform rules and practice. One of these rules, as it is understood is, that they will not entertain a case where the party applying has not himself rigidly conformed to the law; in other words, though a case of wilful absence for three years may be established, or the adultery of the adverse party be proven, if the applicant has himself intermarried in the meantime, and thereby violated the law, relief will be denied. It is not known that there are any exceptions to this rule. Such at all events, was the decision in this case, and the petition was dismissed, and relief denied. The decree of dismissal of itself, independent of the peculiar circumstances of the case, is deemed a final bar to any relief in the Supreme Court, under the particular circumstances of this case. No such relief it is believed can be afforded, without an entire deviation from the rules governing that tribunal. Would it be expedient then, all circumstances considered, to leave this party remediless, compel her to live in a condition which, *technically* speaking, is unlawful, or to abandon her present husband and her children? Has her conduct been such as to stamp it with the character of moral guilt? Has it been such as to preclude her from any relief? This is a question for the legislature to determine. Your committee believe this to be a meritorious case, and one which calls for legislative interposition. They therefore report a bill to divorce Phebe Dunbar, otherwise called Phebe Keeler from her husband Ananias Dunbar.

---

(C.)

*Report of the standing committee on the judiciary, on the petition of J. W. McKee. December 29, 1838. By Mr. Walton.*

The Standing Committee on the Judiciary, to whom was referred the resolution and petition of J. W. McKee, esq. of the county of Richland, praying that his official acts as justice of the peace may be legalized, have had the subject under consideration, and now report: That the petitioner sets forth that he was elected justice of the

peace on the 2d Tuesday of October, 1837; that about the 1st of November thereafter he got his commission; that he made his bond, and presented it to J. Langham, one of the Trustees, who approved it, but told him to keep it until the election on the 23d of December, when the trustees would be all together. That he also presented his bond to J. Cobean, another of the trustees, who endorsed the bond and accepted it, and also told him to keep it until the 23d of December, which he did. The said McKee alleges that he then proceeded to discharge the duties of the office of justice of the peace before the said 23d of December, and before his said bond was deposited with the treasurer of the township. And these acts performed by the said McKee before his bond was fully approved and deposited with the treasurer, are the acts which he prays the Legislature to legalize.

The 11th section of the "act to provide for the election and resignation of justices of the peace," provides, "that whenever any person is elected to the office of justice of the peace, and receives a commission from the Governor, he shall forthwith take the necessary oath or affirmation appertaining to such office, before the clerk of the court of common pleas of his proper county, (who is hereby authorized to administer the same,) or before any justice of the peace of the proper county, who shall, within ten days, certify the same to the clerk aforesaid, who shall in either case make record of it in a book provided for that purpose; and every justice of the peace so qualified, before he shall be deemed legally authorized to discharge any of the duties of his office, shall, within ten days after the taking of said oath or affirmation, enter into bond, to be approved by the trustees of the township, payable to the State of Ohio, with at least two sufficient securities, with a penalty of not less than five hundred dollars, nor more than three thousand dollars, at the discretion of the trustees, to be deposited with the treasurer: conditioned that the said justice shall well and truly pay over, according to law, all moneys which may come into his hands by virtue of his said commission; on which bond suit may be brought, and the penalty thereof recovered, by any person injured by the neglect or refusal of any such justice, in the same manner as on bonds given by sheriffs; and on refusal or neglect to enter into such bond, the trustees shall give notice of a new election to fill the office of such justice."

By this law, it was manifestly the duty of the justice of the peace elect to give bond within ten days after taking the oath of office. In the present case, justice McKee received his commission about the first of November, 1837, at which time it is presumed he took the oath of office, (though this fact is not expressly stated in the petition, but may be fairly inferred therefrom,) but did not deposit the same with the treasurer of the township until the 23d of December thereafter. It therefore clearly appears from the petition that justice McKee failed to give bond according to the provisions of the statute.

The committee are then led to inquire what is the legal effect to be given to the acts of said justice, acting in that capacity. The result of such inquiry is, that the acts of said justice, provided he took the oath



of office in pursuance of his election and commission, are good as the acts of a justice of the peace *de facto*. The only inconvenience that appears to exist is, that it might be difficult, or even impossible, for any one injured by the acts of said justice to get indemnity on the bond, either against the justice or his sureties. But he would be liable to have all his own property exhausted on a suit against himself, and afterwards the persons injured might bring their suit against the township trustees for the reason that they neglected to advertise for a new election, and for this, that they suffered said justice to act in that capacity.

Your committee, aside from the general impolicy of attempting to legalize the illegal acts of officers, and without meaning to express any opinion thereon, it is believed that there is not any necessity for legislative action on the subject.

Your committee therefore offer for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his petition.

---

(D.)

*Report of the standing committee on new counties, on petitions for the new county of Benton. December 29, 1838. By Mr. Allen.*

The standing committee on New Counties, to which was referred sundry petitions from the inhabitants of the counties of Delaware, Marion, Richland and Knox, praying the erection of a new county to be called Benton, have had the same under consideration, and beg leave to report:

That from an examination of the petitions, they find the claims supported by a large number of petitioners, setting forth that they are residents within the bounds of the contemplated new county, and also from the remaining part of the old counties from which the new is to be detached. In referring to the plat submitted in accordance with the prayer of the petitioners, it is found to embrace an extent of territory fully sufficient to justify the measure.

In the contemplated new county, there will be about four hundred and thirty-four square miles, with a supposed population of about

It is also discovered that it will not materially injure or disfigure the shape of the counties from which it is taken, and they will contain an extent of territory to a considerable extent over and above the limits prescribed by the constitution. Your committee, therefore, report by bill.

( E. )

*Report of the standing committee on finance. January 15, 1839. By Mr. Spangler.*

The standing committee on finance, to whom was referred the communication of the president of the city council of Cincinnati, have considered the same and report.

The memorialist, on behalf of the city council of Cincinnati, prays the legislature to grant to said city the credit of the State, in order to aid the city in procuring a loan of four hundred thousand dollars, to meet the subscriptions of the city to the Cincinnati and Whitewater canal, and the Little Miami railroad. The proposition is, that the State exchange its bonds for the bonds of the city—the State bonds to be issued at their usual rate of interest, and for the usual period of time; the city bonds to be at the same rate of interest, and payable at the pleasure of the city, at any time not exceeding — years. The interest of the State bonds for the time, to be paid by the city; the premium, if any, on the State bonds, to be paid into the State treasury.

The reason assigned for this application is, that “there being an unusual amount of State bonds in market at this time, and bonds issued by the State having the preference in the European money market, the city cannot, at this time, dispose of her bonds on terms which her ability to meet all engagements entitle her; and this exchange, or loan, is prayed for, to give her time to do so.”

The purposes for which this loan is asked, being to aid in the great cause of internal improvement of the State, appeals itself to the most favorable consideration of the legislature. The terms which mark the proposition, are in every particular fair and honorable; and your committee believe that the security proposed is fully ample to protect the State from all danger of loss. All these considerations, however, have failed to convince your committee that the prayer of the memorialists should be granted. This opinion arises mainly from one consideration; and that is, the dangerous character of the precedent which would thus be established. If we grant the prayer of the present memorialists, we at once open the door for all or any of the cities or towns of the State, which may call upon us for the same purpose. The liabilities of the State are already very great; and although a compliance with the present prayer would actually add nothing to the debt which hangs over our people; yet in conjunction with others which would inevitably follow, on the score of the precedent which this would establish, it would go to extend yet further the credit of the State abroad—which, like that of individuals, becomes weakened in proportion to the extent of its liabilities.

In view of this consideration, and the dangerous character of the precedent which would be created by acceding to the present request, your committee are of opinion that the prayer of the memorialists should not be granted. They accordingly ask leave to be discharged from the further consideration of the subject.

(F.)

*Report of the committee on canals. Jan. 17, 1839. By Mr. Mathews.*

The standing committee on canals, to whom were referred the "bill for the relief of Ethan Stone," have had the subject under consideration, and now report:

That from the best evidence they have obtained in reference to the subject matter submitted, the facts are as follows: That some time previous to the month of October, 1828, the canal commissioners of this State, or their engineers superintending the construction of certain locks on the Miami canal, took, or caused to be taken from the premises of the said Ethan Stone, in the county of Hamilton, quantities of stone for the construction and erection of said locks. That the said Ethan Stone conceiving that he was aggrieved and damaged by the deprivation thereof, applied to the canal commissioners, in the manner pointed out and required by the 8th section of the act entitled, "an act to provide for the internal improvement of the State of Ohio by navigable canals," passed February 4th, 1825, in pursuance to which application, the said canal commissioners appointed Matthias Corwin, Arthur Henrie, and James McBride, as appraisers, to make an estimate and appraisal of the value of the property so taken for the use of the State. The said appraisers, after attending to other duties assigned them by the order under which they acted, made the following estimate and appraisal, as appears from the certified copy of a transcript of the records of such transactions, kept by the board of canal commissioners, to wit: "The said appraisers further award, adjudge and determine, that Ethan Stone, of the county of Hamilton, in the State of Ohio aforesaid, has sustained damage in consequence of stone taken from his lands in Delhi township, in the said county of Hamilton, and used in the construction of locks on the Miami canal; and they estimate, and assess, and appraise his damage as aforesaid in consequence thereof, at thirty-one dollars and sixty-two cents."

"The above is a true copy from the record of assessment of damages on the Miami canal, as made by Matthias Corwin, Arthur Henrie, and James McBride, in October, 1828.

"SAML. FORRER,

"*Acting Canal Commissioner.*

"DECEMBER 19, 1833."

The reasons, as your committee are informed, that the said amount of thirty-one dollars and sixty-two cents have never been paid, are, that the canal commissioners were not satisfied, that the appraisers in making out their estimate had taken into consideration the advantage which the said Ethan Stone would derive from the construction of the aforesaid canal, and made a deduction thereof from the amount of damages. Whether this requisition of the law was complied with or not, does not appear to your committee, except from the certified copy of the appraisement. This does not specifically state whether that question entered into their deliberations or not; but unless your committee have clear and satisfactory evidence to the contrary, they feel constrained to believe that those officers appointed to make an appraisement of damages, discharged that duty strictly according to law and the oaths which they had taken; if so, the amount allowed in this case, must either have been the damage over



and above the advantage to the property of the said Stone, or his premises must have been so situated on said improvement, or so remote from it, that in their opinion no benefits would result from its construction. Taking it for granted that the appraisers when called upon and sworn, did discharge all that the law required of them with fidelity, your committee are of the opinion that no discretion was left with the canal commissioners, by which they might withhold payment from the person aggrieved. After the appraisement is made and certified by the appraisers, the law leaves no discretionary powers with the commissioners, but makes it their imperative duty to pay the damages so assessed and appraised. Your committee, therefore, recommend that said bill be passed, allowing the said Ethan Stone the sum of thirty-one dollars and sixty-two cents.

---

(G.)

*Report of the committee on schools. Jan. 22, 1839. By Mr. Fuller.*

The standing committee on schools and school lands, to whom was committed the petition of Daniel Carter and others, lease-holders of section sixteen, Montgomery township, Richland county, together with the petitions of others, citizens of said township, have had the same under consideration, and ask leave to report,—

That it appears from the petitions, that the present lease-holders are the assignees of the original lessees of said section sixteen; that they purchased the leases under the expectation that they could at any time, under the law of 1827, surrender their leases, and take certificates of purchase according to the original valuation; that in consequence of this, they gave a price for the leases, proportioned rather to the present worth than the original valuation; and that they have made improvements which they would not have made, except under an expectation of purchasing the land. They further state that if they could purchase the land, they would make other improvements that would be of value to the township; and that in consequence of the repeal, in March last, of the law of 1827, which authorized the surrender of leases, they have suffered great injustice.

They therefore pray that a law be passed, authorizing them to surrender their leases, and receive certificates of purchase according to the provisions of the law of 1827.

In considering these petitions, your committee would beg leave to refer, for a moment, to the policy the legislature had in view in repealing the sixth and seventh sections of the law of 1827. The greater part of the school lands under lease, were valued from ten to twenty years since, while settlements were sparse, and land at a low price. The lessees under the law of 1827, had the privilege of surrendering their leases at any time, and receiving certificates of purchase at the original valuation. Lands, in many instances, that were valued from one to three dollars per acre, are now worth from twenty to fifty dollars per acre. To permit these lands to be sacrificed at their former valuation, was manifest and glaring injustice to the townships. The legislature can only be considered as the trustee of this property, to be managed, husbanded and preserved for the education of the present and all future generations of the youth of Ohio. Your committee believe that the legislature will fail in

faithfully performing this trust, if they shall permit this property to be lessened in value, wasted, or sacrificed for the benefit of individuals. That cases may occur where the interests of all parties may require the sale of the lands, your committee have no doubt. But that the case now under consideration is one of that class, your committee have not sufficient evidence for believing. Your committee believe that the legislature were actuated by principles of justice and sound policy, in repealing the sixth and seventh sections of the law of 1827, and that the same reasons continue to operate, with increased force, in favor of an adherence to the same policy.

If any additional facts were necessary to convince the legislature of the justice of the course now pursued, we believe the case under consideration would furnish them. From the petitions and documents referred to the committee; from the facts elicited in a personal conference with one of the lessees; and from other sources of information, which your committee believe entitled to confidence, they have ascertained the following facts: The land in question is leased for 99 years, renewable forever, and subject to a re-valuation every 33 years. The first term of the lease has fourteen years yet to run. The rent paid, is the interest on the amount of the original valuation. This valuation was made about the year 1827, and varied from \$2,50 to \$3,00 per acre. The present value of the land, as ascertained from the sources above alluded to, varies from \$25,00 to \$35,00 per acre. The rent which is now paid, and which will be paid for the next fourteen years, is merely nominal with reference to the present value of the land. If the prayer of the petitioners is granted, the land will be sold at the original valuation, or, as your committee believe, at one tenth of its present value.

Your committee cannot, for a moment, believe that the legislature will, out of sympathy for the interests or the imaginary wrongs of individuals, pass a law that will, in its operation, inflict an injury on the youth of Montgomery township, of not less than twenty thousand dollars.

They therefore recommend the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the petitions, and that the petitioners have leave to withdraw their papers.

---

(H.)

*Report of the standing committee on canals. January 23, 1839. By Mr. Matthews.*

The standing committee on canals, to whom were referred the the resolution authorizing "the canal commissioners, on application of the owner, or owners, to have all damages assessed on claims for any injuries to lands which are likely to accrue to the owner thereof, by the construction of the Mercer county reservoir, of the Miami canal extension, so far as they can now be ascertained, without waiting for the completion of said reser-

voir," have had that subject under consideration, and now report:

That they cannot perceive any necessity or propriety in this particular instance, of departing from the general rule for the assessment of damages on applications of that character, and selecting out this case for special legislation, while there is a general law providing for this, and all other cases of the kind which may arise from the construction of any canal improvement authorized by law. The resolution itself does not contemplate the assessment of the entire amount of damages which may accrue by the completion of the reservoir. Its passage then would be but one step towards the final adjustment of those claims. Besides, the novelty of requiring the State to make payment before any damage has actually been done, or before the full amount can be ascertained, there are other objections to the passage of the resolution which cannot escape the notice of your committee. So long as the improvement of the State by canals is continued, a precedent of this kind would lead to a multiplicity of special legislative enactments, which might, if encouraged by setting one example, cost the State an aggregate amount equal to the sum total of all claims that would finally be allowed. The favorable action of the Legislature upon the resolution, would, in the opinion of your committee, be equivalent to an invitation to all persons owning property on the line of any canal hereafter authorized by law, who might conceive that he, she or they, would be injured thereby, to present their petitions to this body praying the passage of an act authorizing an assessment immediately after the location of any canal improvement, and consequently before it would be possible for appraisers to ascertain the amount of damages which ought to be awarded. This would be only the incipient step towards the final adjustment of these claims; for, after the completion of such improvements, additional applications would be made to the canal commissioners in pursuance to the provisions of the 8th section of the act entitled, "An act to provide for the internal improvement of the State of Ohio, by navigable canals," for the balance which could not be ascertained by the appraisers anterior to the completion of the work. This subsequent assessment would be equally as difficult and expensive to the State, as though the former had not been made. Hence, your committee cannot perceive any benefits that would result from the adoption of the resolution, while they can readily anticipate many evil tendencies, to which, in their opinion, it would necessarily lead. They therefore ask leave to be discharged from the further consideration of the subject, and recommend that the resolution be indefinitely postponed.



(I.)

*Report of the standing committee on railroads and turnpikes. January 25, 1839. By Mr. Saylor.*

The majority of the standing committee on railroads and turnpikes, to whom petitions were referred asking an amendment to the charter of the Cincinnati, Columbus and Wooster turnpike company, report:

That from examination, it appears that the Cincinnati, Columbus and Wooster turnpike company was incorporated by an act passed 12th February, 1828; and by an amendment to said charter, passed on the 13th of January, 1829, time was given to said company to complete the said road from Cincinnati to Goshen, in Clermont county, in ten years from the passage of the amendatory act; and by a second amendment to the aforesaid charter, passed on the 22d day of February, 1830, said company was authorized to relinquish any part of said road from Goshen to Lake Erie, to any other company or companies which may be incorporated to construct a road. The State has become a stockholder in said turnpike company to the amount of seventy-nine thousand three hundred dollars, as appears in the last annual report of the Auditor of State, under the provisions of an act passed 24th March, 1837, to authorize a loan of credit by the State of Ohio to railroad companies, and to authorize subscriptions by the State to the capital stock of turnpike, canal, and slackwater navigation companies.

The petitioners object to the manner in which the State became a stockholder in said company, upon the ground that the road was completed before the stock was subscribed and paid by the State.

Your committee think it a doubtful construction of the law, for the State to take stock in a turnpike road finished before the passage of the same. However, the stock in said turnpike company, as appears by a statement exhibiting the condition of said company, dated 15th November, 1838, yields a dividend of about six per cent per annum, and is likely as good stock as the State owns. The petitioners ask for an amendment to the charter of said turnpike company, so as to admit the Goshen, Wilmington and Columbus turnpike company, as stockholders, on equal footing with the stockholders of the said Cincinnati, Columbus and Wooster turnpike company, or that the last named company be compelled to expend the amount subscribed by the State, in extending the said road. Your committee cannot conceive that the legislature have any power to amend the charter of the Cincinnati, Columbus and Wooster turnpike company, so as to admit the stockholders of the Goshen, Wilmington and Columbus turnpike company, on equal footing with the stockholders in the Cincinnati, Columbus and Wooster turnpike company, unless by mutual consent of the companies.

Neither can your committee see any power in the legislature to compel the stockholders in the last named company to extend their road. The stockholders of the Goshen, Wilmington and Columbus turnpike company are constructing a part of their road at this time, and the State has become a stockholder in the same, to the amount of sixty thousand three hundred and fifty dollars, as appears in the last annual report of the Auditor of State. Your committee therefore recommend the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petitions.

---

( K.)

*Report of the committee on schools and school lands. February 5, 1839.  
By Mr. Fuller.*

The standing committee on schools and school lands, to whom have been referred several petitions, numerously signed, asking such an alteration of the act regulating common schools, as will permit the black and colored youth of this State to participate in all the benefits of the common schools, to the same extent that white youth are now authorized to do; have had the same under consideration and ask leave to report: (Mr. Wade dissenting:)

That the petitioners claim that the black youth of this State, have a constitutional right to admission into the common schools of this State, and that justice and sound policy require that they should be so admitted. The constitutional right is claimed to be founded on the 25th section of the eighth article of the constitution of Ohio, which is as follows:

“That no law shall be passed to prevent the poor in the several counties and townships within this State, from an equal participation in the schools, academies, colleges, and universities, within this State, which are endowed in whole or in part, from the revenue arising from donations made by the United States for the support of schools and colleges; and the doors of the said schools, academies, and universities, shall be open for the reception of scholars, students and teachers of every grade without any distinction, or preference whatever, contrary to the intent for which said donations were made.”

In considering this subject, your committee deem it right to take into view, not only the clause of the constitution above recited, but other parts of that instrument, and such other attending circumstances, as will aid in ascertaining the intentions of the framers of that instrument. At the time the constitution of Ohio was formed, nearly all of the States of this Union tolerated the domestic slavery of the negro race. The right to hold slaves was scarcely questioned in any quarter; it was discussed then merely as a matter of policy, not of right. Most fortunately for the interests of Ohio, the question of slavery had been decided as far as the territory northwest of Ohio was concerned, by the ordinance of 1787; which forever prohibited slavery in said territory.

Notwithstanding the prohibition of the ordinance, the inhabitants of the territory soon found that they were not exempt from all the evils which negro slavery had entailed on the inhabitants of the United States. Vagabond, vicious, and idle blacks, the refuse of the free colored population of the slaveholding States, found their way to the territory, accompanied or followed by slaves who had escaped from their owners. All the evils of a mixed and degraded population were impending over the embryo State, without the power under the territorial government of mitigating or preventing the evil.

The only law affecting the rights of the blacks passed by the territorial legislature, is dated December 13th, 1799; by this law they are excluded

from service in the militia of the territory. This law your committee consider a strong indication that the territorial legislature did not consider the blacks entitled to all the rights and privileges of citizens.

Under these circumstances the convention for forming a constitution for the State of Ohio, assembled. It was expected that among the many grave and important subjects on which they were called to deliberate, the rights and future position of the black population would not be overlooked.

This expectation was not disappointed; the convention discussed the question; and after mature deliberation, came to the solemn conclusion, that black and mulatto persons, should not in the State of Ohio, be entitled to the rights of citizens. This is proved by the first section of the fourth article of the constitution, which expressly excludes them from the right of suffrage; the dearest and most important right of freemen; and indeed, the foundation on which all other political rights depend.

The reasons for this exclusion are apparent to all. The convention believed that the emigration and establishment among us of a degraded race; a race whom the God of nature [has separated from us by distinctive marks of color and conformation; a race who in no part of the world have ever amalgamated with the whites, without injury and degradation to both; a race against whom an inveterate prejudice has always existed in the breast of a vast majority of the white citizens of the United States; would be detrimental to the best interests of both.

That this conclusion was correct, that it was founded in justice and sound policy, your committee believe has been fully demonstrated by the experience of the thirty-six years that the constitution has existed. Your committee believe that the two races cannot exist together on equal terms without injury and degradation to both. That this has been the deliberate conviction of the people of Ohio, is sufficiently evidenced by the successive acts of legislation on this subject. These acts have all tended to one object. That object has been to discourage their emigration to this State—to place on their residence among us restrictions, and conditions inconsistent with the rights of free citizens. The constitution gave them sufficient notice, that they could not in Ohio enjoy the rights of citizens,—the acts of the legislature have uniformly tended to confirm that notice; and your committee believe that they have no just grounds on which to complain of an infraction of any of the political rights which they have ever possessed.

Your committee believe that the system adopted by the State of Ohio, both in her constitution and laws, towards black and mulatto persons, has been dictated by sound policy, and imperiously demanded by the best interests of the State.

We also believe that the reasons for its adoption still continue to operate in full force; that if the laws regulating black and mulatto persons should be repealed, if they should be admitted to the right of suffrage, and to an equal privilege in our schools, colleges, and universities, the inevitable consequence would be an immense emigration of the worst portion of the black population of the slave holding States. Those States would rejoice in being relieved from a grievous burden, and Ohio would find, when too late to remedy the evil; that in a vain pursuit after abstract or imaginary right, she had inflicted an intolerable and remediless misfortune upon her people; had saddled herself with an incubus that would weigh down all her energies, and blight the fair prospects of future prosperity, which her present circumstances justly entitle her to anticipate.



The petitioners claim that under the 25th section of the eighth article of the constitution, the children of negroes and mulattoes have a constitutional right to admission, as students, or teachers, into all schools, colleges, and universities, that have been aided by donations of lands from the United States, on equal terms with the white youth of Ohio. The latter clause of the twenty-fifth section restricts its provisions to "the intent for which said donations were made."

This intent, your committee believe, can be satisfactorily ascertained, by referring for a moment, to facts which existed at the time the donations were made. At that time, domestic slavery existed by law in all but two of the States of this Union—in but one of them, in the opinion your committee, were the free blacks entitled to all the privileges of freemen and citizens. In nearly all the States, laws regulating and restricting the blacks, and treating them as a distinct and inferior class, were in force.

Under these circumstances is it to be believed, that Congress made a donation of lands, not only for the education of the children of negroes, and mulattoes, but on terms that would forever place them in all our schools, and colleges, on equal terms with the white youth of Ohio? Your committee do not believe that such a position can be for a moment sustained; they do not believe that a single member of the Congress that made the donation, would have voted for a distinct proposition of that kind. Your committee also believe that the convention which formed the constitution, or any legislative body of Ohio since that time, would have indignantly rejected the donation on such degrading terms. We do not believe that the law excluding them from our common schools has deprived them of any political or legal rights that they have ever possessed.

On the contrary, we believe, that a law permitting their admission into our schools and colleges, either as students or teachers would not operate to their advantage.

The great object of enlightened legislation, should always be the greatest good to the greatest number, without encroaching on the just rights of individuals. A law such as is asked for by the petitioners, would in the opinion of your committee inflict a fatal wound upon our common schools; that as far as it should be executed, it would produce constant strife and contention in the districts, that would destroy the usefulness of the system; that it would inevitably produce a spirit of hostility against the blacks, that in its progress might endanger the peace of the State, and possibly result in their expulsion from our territory.

Your committee believe that the interests of the black population will be best consulted by leaving them to the humanity and benevolence of our citizens, under the operation of our present laws; and that the efforts to force them into our schools and colleges, on equal terms with the white youth of Ohio, will, if persisted in, operate to the disadvantage of all parties.

A majority of your committee, therefore, offer for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their papers.

(L.)

*Report of the committee on new counties on the removal of the seat of justice of Lucas county. February 26, 1839. By Mr. Shannon.*

The Standing Committee on new counties, to whom was referred the petitions of residents of the county of Lucas, for the removal of their seat of Justice, and the remonstrances against the same, have had the subject under consideration, and the majority of said committee beg leave to report:

That having given to the subject a faithful and patient investigation, they find that it is urged in favor of its present location, that it was first established there by act of the legislature, and subsequently by commissioners appointed for the purpose; that the title to the land on which to erect the county buildings has been made to the county; that about three or four thousand dollars have been expended in procuring materials for the erection of said buildings by individuals on their subscription, for building the same without expense to the county; that a large majority of the inhabitants of the county are in favor of its present location; that the township of Port Lawrence, in which Toledo is situated, pays more taxes than all the rest of the county; and that Toledo has commercial facilities by land and water, superior to any other place in the county.

On the contrary, the petitioners alledge that the first location of the seat of Justice at Toledo by the legislature, was not intended to have any reference to its ultimate location, but as being the most convenient point within the then disputed territory; that whether the subsequent location were wisely done or otherwise, is partly the subject at issue; that the title to the land conveyed to the county for the site of the county buildings, is probably so made as to revest whenever it shall cease to be used for the purposes for which it was conveyed; that the contracts for materials, if not made under a similar provision, as they must have been made under a notice of this application, cannot be very injurious to the parties, as the materials may be used for other purposes, or even for the same in a different location, or a compensation for whatever damages has accrued in the premises may be adjudged by the commissioners to be appointed; that a large or any majority of the inhabitants of the county are satisfied with the present location of the seat of Justice, is by the petitioners denied; but they assert that a very large majority of said inhabitants, to wit: eleven hundred and seventy-one against five hundred and thirty-two, and that this majority is constantly increasing by the settlement of the back townships. That of 650 square miles which the county contains, about 500 are nearer to Maumee city than to Toledo, and 150 only nearer to Toledo than to Maumee city, and it were absurd to suppose that other things being equal, they would prefer the more distant place for the seat of Justice.

It is admitted that by a test vote in 1837, the Toledo candidate for county commissioner, obtained a majority in the county of about 138

votes; but there were then five or six townships that were unanimous for Maumee city, that cast only from nine to twenty-five votes each, that are considerably well settled and are rapidly filling. That they could be under no inducements to go to Toledo instead of Maumee city. That Toledo possesses commercial facilities superior to those of Maumee city, is also by the petitioners denied, and they claim for Maumee city, in those particulars, the superiority. The arguments used before your committee, by the parties engaged in this controversy, are too voluminous to be embodied in our report. That either place has, and will continue to have, ample accommodations for a court, there can be no doubt. That the citizens of either place can attend court at the other, with little inconvenience is clear; but which of the two places will eventually be the greater, is not so certain; nor do we think it very material, considering the facilities of passage from one to the other. But the case is different with the agriculturalists, who reside in a distant part of the county, and such are they that make a majority of the signers of the petitions referred to your committee. It appears to your committee, on a reference to the petitions and remonstrances, that there are 639 of a majority that are in favor of the removal, who ask to be relieved from the extra travel which they now have to perform, every time their business leads them to the seat of justice. And your committee would suggest as their conviction, that if the location of the seat of justice is ever to be reviewed, that it should be done immediately, before an expense of \$20,000 has accrued in erecting the county buildings. Your committee would further suggest that it is a matter of absorbing interest to the inhabitants of the county, and should be settled at the earliest period practicable. That, waving the question of the legality of the proceedings of the commissioners, who, in May, 1837, located the seat of Justice of said county, and the justice and propriety of the location then made, it appears to your committee that urgent and important reasons, unimpaired by any countervailing arguments, remain for a review of its location.

We therefore recommend the following resolution:

*Resolved by the General Assembly of the State of Ohio, That commissioners be appointed to review and permanently locate the seat of Justice for the county of Lucas.*

---

(M.)

*Report of the committee on canals in relation to a canal up the Stillwater to Freeport. March 1, 1839. By Mr. Matthews.*

The standing committee on canals, to whom were referred sundry petitions of the people of the eastern section of the State, praying aid to the Stillwater Navigation and Railroad Company, and to whom were also referred the memorial of the company, with accompanying papers and documents on the same subject, through



their agent and representative, have had the same under consideration, and a majority of the committee now report:

That it appears from the official documents submitted to the inspection and examination of your committee, that the company of the Baltimore and Ohio railroad, have finally settled and determined upon Wheeling, opposite Bridgeport, in Belmont county, as the western termination of the main stem of that great work; and that the stock already on hand and secured, is nearly sufficient for its entire completion. And from the last annual report of that company, it is manifest that it will be carried on to completion with all the energy and assiduity, that its vast importance to the people east and west, would seem to require; and that the time is near at hand, when by locomotive power and the railway, a certain, easy and rapid intercourse will exist between the tide-water of the Chesapeake, and the Ohio river. The importance of this additional direct, cheap and safe channel of intercommunication between the borders of our State and the Atlantic cities, at all seasons of the year, is too obvious to need comment from your committee. This, with other works completed, or advancing to completion, are destined to confer upon our State the most important benefits; and it needs but a continuation of the enlightened and liberal policy heretofore adopted and pursued, to improve the advantages by timely legislation, to secure to our very numerous and rapidly increasing population, the competition and capital of the northern, eastern and southern cities. As one, and as a principal means of benefiting the people of this State in their agricultural and commercial relations, the opening of a connection between the western terminus of the Baltimore and Ohio railroad, and our principal canal, suggests itself to your committee with much force. Our Ohio canal, by way of the Tuscarawas valley, approaches by its southeasterly curve, to a near proximity with the Ohio river at Bridgeport, and by a reference to a map of the State, and the course of her main canal, it will appear obvious that the route of connection as proposed by the petitioners, is in an almost direct line by way of the canal, from Wheeling and Bridgeport, to the lake at Cleveland, and to the whole interior, inclusive of the capital of the State, by the other portion of the canal. The opening of this communication by railroad and canal, would in the opinion of your committee essentially enhance the revenue of the State. While your committee are clearly of the opinion, that the contemplated work would, if completed, be of lasting benefit to the State, it is due to the eastern section thereof to remark, that its claims as set forth in the petitions, to some appropriations by way of internal improvements, is entitled to respectful consideration. That section, particularly Belmont, Jefferson, Harrison and Guernsey counties, have contributed largely, by way of taxes, to the construction of our canals and other public improvements, whilst no expenditure of the public money in aid of any public work within their borders, (if we except their portion of the three per cent. fund, and a small subscription of stock on a turnpike road in Jefferson county,) has been made; and yet this is one of the richest portions of Ohio, in its soil, its minerals, and

its agricultural products, a large portion of which would, if the proper avenues were opened, be conveyed and disposed of on our canals, instead of taking the direction from which heretofore there was no alternative. A number of public improvements have already been constructed, and are in successful operation in many portions of the State, and have produced a rise in the value of lands and the products of the soil, far exceeding the most sanguine expectations of the advocates of the policy which brought them into existence, and to which alone is to be attributed the prosperous condition of those who are the recipients of these public favors. No one who is acquainted with the extraordinary results produced by the construction of our public works, can doubt for one moment, that the increase on the price of lands alone, which are contiguous to their location, far exceeds the costs of construction. When we add to this the fact, that in most sections of the State through which these improvements pass, almost every article of produce can be disposed of at an enhanced price, of from 75 to 100 per cent. If this be true, it is but a weak argument to say that we can proceed no further in extending the State canals and other public works, because taxes are much higher than they were anterior to the introduction of this policy, and the following illustration will show the fallacy of that position:

The proportion between the taxes formerly and at the present time, will not vary much from the data given. Before there was any canal tax, the average amount upon each 100 acres of land did not exceed \$5, and is not now more than \$10. Suppose each farmer owning the above mentioned number of acres, to have annually for sale 100 bushels of wheat. Before any of the canals were completed, the average price per bushel was not more than 50 cents, or \$50 per hundred bushels. The same quantity will now bring \$112, being an increase of \$62 per year on every hundred bushels. Take from this the canal tax \$5, and the nett increase will be \$57. Thus it will be perceived that by the payment of \$5 taxes, the farmer derives a nett gain of \$57; that is, those who are near to the facilities for exportation. This calculation leaves out of view the rise of other articles of produce and lands, the former of which will no doubt compare with the rise in the wheat market, and the latter may be estimated now at an average value of over 100 per cent. more than they could have been sold for previous to the location of canals in their vicinity. Were these advantages already extended to the various sections of the State, where facilities exist for their construction, no one would deny their practical utility, and all would unite in eulogizing that policy which had resulted so beneficially. But there is still a large portion of our population unprovided for, to whom in justice the accommodated portions of the State are bound to extend that liberality which has enriched them. This is a just debt; one of binding obligation, and the only question is as to the time of payment. The committee assume the position that it is now due, and that justice and equity forbid the detention, after a payment is legitimately demanded; and if there be any hardship in the matter, it originated with the origin of the internal

improvement system, and cannot be avoided now. It is too late after a contract has been solemnly entered into, and the consideration fully paid by one of the parties, for the other party to say, "I am so much involved and embarrassed now that I cannot pay; you (meaning the creditor,) must wait until I discharge all my other liabilities, and then I will settle with you." Having digressed thus far to remark briefly upon the general principles which your committee think ought to govern in legislative action upon these subjects, they propose confining themselves more particularly to the claim now under consideration.

Impressed as your committee are with the importance of this improvement, they have turned their attention to an examination of the previous legislation upon the subject, to ascertain whether the State could properly aid either of the works, and if so, in what manner. It appears that as early as the session of 1827, a resolution was passed by the General Assembly, requiring the board of canal commissioners to cause an examination to be made of the waters of Big Stillwater, from its mouth up to the National road in Belmont county, and to report the capacity of that stream for slack-water or canal navigation, and the expense of so improving it. By the report which may be found on pages 262 and 269 of the journals of the House, session of December, 1828, it appears that the valley of the Stillwater furnishes great facilities for the slack-water or canal improvement; and to use the language of that report, while speaking of No. 3, from the mouth of the stream to Freeport—"This division can be abundantly supplied with water, and would furnish a market for the surplus productions of an extensive and fertile country." "Coal is found in great abundance near the immediate banks of the stream. The cost of this division is probably as light as that of the improvement of any other stream of the same length in the State." In another part of the report, page 262, we have a statement of the distance, 40 miles 16 chains, from Freeport to the mouth of the Stillwater, and the estimated expense of its improvement, \$27,768 68. The distance above, is that by the meanders of the stream. This, by canalling it, would be much shortened. *Id.* page 276. The committee do not bring into view, in this report, the statement and estimates, by the commissioners, of their examination of the stream higher up than Freeport, as it is obvious from that examination and report, that a supply of water to justify canalling above Freeport, could not be obtained. Aware of the importance of this improvement, it appears that the canal commissioners, after this survey, in constructing their main work in the valley of the Tuscarawas, erected the dam across that river for the supply of the water to the canal, so that a boatable stage of water is made to extend some 4 or 5 miles up the Stillwater. But previous to the completion of the main canals of the State, an association of individuals applied to the legislature, and on the 11th of March, 1831, were incorporated to improve this stream. By this act, entitled "an act to incorporate the Stillwater Navigation Company," and by the act entitled, "an act to amend the act to incorporate the Stillwater Navigation Company," passed February 6th, 1832, and by the "act



to revive certain acts therein named, and for other purposes," passed February 3, 1834, the General Assembly granted full power to the company, by means of canal navigation and rail road, to open a direct communication between the main line of the Ohio Canal and the Ohio river. Under these acts the company duly organized, and they have not opened any part of the route. Yet they have, as appears by the official reports submitted to the committee, caused a survey and location of a railway to be made from the Ohio river to Freeport, and which demonstrates the practicability of the work for the most extensive and active business, and without the intervention of a single inclined plane or stationary engine. The distance by the railroad as located, and inclusive of its curves, is about 41 miles. The stock of the company paid in, has been expended, and they have been unable to proceed with their work, while the wants of the people of that section of country, are earnestly desiring an early opening of this important communication. With such views and feelings, the people and the company present themselves before the legislature, asking aid, and requesting that such aid may be rendered in such manner as to the legislature may seem proper, and have suggested that it be rendered either, first, by a loan of money on the credit of the State to the company, or, second, by the State's assuming, at her expense, the whole or a part of the entire work, or, third, in such other manner as may be acceptable to the legislature, and in accordance with sound policy. Your committee, after giving the subject due reflection, have concluded that for the present it would be of sufficient aid to the general work, and at the same time advantageous to the canal policy of the State at large, to execute, by her own resources, so much of the work embraced in the acts referred to, as relates to the canal from the feeder dam in the Tuscarawas, to Freeport, and have accordingly united in reporting a bill containing the necessary restrictions to protect the interests of the State, and recommend its passage on account of the manifest advantage of the work to the State, in an agricultural, commercial, and financial view, and in justice to their fellow citizens of the eastern section of the State.

All of which is respectfully submitted.

---

( N. )

*Report of a select committee in relation to the prices of State printing:  
February 25, 1839. By Mr. Holmes.*

The select committee appointed under the following resolution, "Resolved by the Senate, That a select committee of three be appointed, whose duties it shall be to inquire if any additional compensation is necessary to be allowed to the State printer, in the discharge of his duties; and if so, what amount, and report the same as soon as practicable," have had the same under examination, and now ask leave to report:

The first act creating the office of State printer was passed January 26, 1825. This act required him to give bond in the sum of three thousand dollars. The 5th section of the act establishes the compensation, and is as follows:

"Sec. 5. That the said State printer shall be allowed, for the composition of the laws, journals, bills, reports, messages, and other papers or documents, at the rate of forty cents for every thousand ems each may contain, with the addition of twenty-five per centum on all rule and figure work; and he shall be allowed at the rate of forty-five cents for each token of press work of one hundred and twenty-five sheets; and the Auditor of State is hereby authorized to issue bills in favor of such public printer, payable at the State Treasury, out of any money that is appropriated for that purpose, for the amount of his account, after the same shall have been audited and approved by the auditor aforesaid: *Provided*, that the Auditor of State shall be authorized, at his discretion, to issue bills in advance in favor of said State printer, to any amount not exceeding one-half of the probable amount of his account per annum."

When this law was enacted, the prices paid journeymen printers were about twenty cents per thousand ems, and the same per token for press-work.

The act of 1825 remained without any change in the prices of printing, until the 4th of March, 1836, when the "act to create permanently the office of State printer, and to define his duties," was passed. This act required the State printer to give bond in the sum of ten thousand dollars, and the sixth section reduced his fees, as will be seen by the section itself, which is as follows:

"Sec. 6. That the said State printer shall be allowed for the composition of laws, journals, bills, reports, messages, and other papers or documents, at the rate of thirty-five cents for every thousand ems, with the addition of fifty per centum on all rule and figure work; and at the rate of forty cents for each token of press work of one hundred and twenty-five sheets, for which the Auditor of State is hereby authorized to issue bills in favor of said State printer, payable at the State Treasury, out of any moneys appropriated for that purpose, his account therefor having first been audited and approved by the Auditor, Treasurer, and Secretary of State, aforesaid: *Provided*, That the Auditor of State shall be, and is hereby authorized, at his discretion, to issue bills in advance in favor of said State printer, to any amount not exceeding one-third of the probable amount of his account per annum: *Provided*, That any amount of composition not exceeding four pages, may be charged as four pages and no more, and if more than four, and not exceeding eight, as eight and no more."

When this act was passed, the wages of journeymen had advanced to 25 cents per 1000 ems for composition. They have now advanced to 30 cents per 1000 ems. The following are the prices received by the State printer from the State, and also the journeymen's wages at different periods:

For composition per 1000 ems, allowed by the State in 1825,	40 cts.
Journeyman's prices..... "	20
Leaving for State printer's other expenses.....	<u>20</u>
Paid by the State in 1836, under new law.....	35
Journeyman's prices.....	25
Leaving for proprietor.....	<u>10</u>
In 1839, paid by State.....	35
Journeyman's prices.....	30
Leaving for proprietor.....	<u>5</u>

The advanced price of journeymen on press work, has not been so great *apparently*, as that of compositors; yet the other expenses have increased in greater ratio on press work, than on composition, which in fact, will make but a small difference, at last, in the actual advance in wages between the two. Each pressman requires the employer to furnish him with a roller-boy, at the employer's expense.

But your committee will not stop to use arguments when they have facts sufficient to place the subject in its true and just light—facts which cannot leave a doubt upon the mind of any one as to the propriety of action on this subject.

Your committee have taken some pains to collect correct and indisputable information connected with the question under consideration, and proceed to the array of testimony, by submitting the following correspondence. The first is the copy of a letter addressed to the several individuals from whom letters have been received.

SENATE CHAMBER,  
COLUMBUS, OHIO, *January 29, 1839.*

DEAR SIR: The undersigned, Chairman of a committee appointed under a resolution of the Senate of this State for the purpose of inquiring what additional compensation, if any, is necessary to be allowed our State printer, to enable him to discharge the duties of his appointment, takes the liberty of addressing you on the subject, for the purpose of ascertaining what prices are paid in your State for the Legislative printing; and therefore respectfully request you, (if agreeable and convenient), to answer the following interrogatories, to enable the committee to come to a satisfactory conclusion on the subject:

1st. What does your State pay for composition on the Laws, Journals, &c. &c. per 1000 ems? (if paid by the 1000 ems.)

2d. If paid by the page, how much per page? and how many ems is each page required to contain?

3d. How much per Token of 125 sheets for press work?

4th. What compensation do you allow Journeymen printers for their labor?



In your answer, please embrace any other information you may deem of importance to the committee in arriving at all the facts relative to the proposed inquiry.

I am sir, very respectfully,

Your ob't. servant,

GEO. W. HOLMES, *Chairman.*

INDIANAPOLIS, *February 4, 1839,*

MR. G. W. HOLMES: SIR—Your letter of the 29th ult. has been received, and we hasten to furnish the information you ask. Your first question,

“What does your state pay for composition on the laws, journals, &c., &c., per 1000 ems?”

Answer:	Plain matter,	-	-	-	-	-	-	62½ cts.
	Rule or Figure,	-	-	-	-	-	-	93¾ “
	Rule and Figure,	-	-	-	-	-	-	1.25 “

“How much per token of 125 sheets for press work?”

Answer:	-	-	-	-	-	-	-	62½ cts.
	Broadside,	-	-	-	-	-	-	93¾ “

We pay journeymen 28 cts. per 1000 ems, and 29 cts. per token.

Respectfully,

DOUGLASS & NOEL,

*Printers to the Senate of the State of Indiana.*

VANDALIA, ILLINOIS, *February 7, 1839.*

*Geo. W. Holmes, Esq., Chairman of committee, &c:*

SIR:—Your letter of January 29, reached me last evening in which you request to know “what prices are paid in your (our) State for public printing, and any other information you may deem of importance relative to the proposed inquiry,” of a committee of which you are a member.

The prices paid by this State, are fixed by law as follows:

For composition, 75 cents per 1000 ems. Rule and figure work, double.

For press-work, 75 cents per token, (125 sheets printed on *both* sides,) the State furnishing the paper.

For blanks for public offices, \$1 25 for the first quire, and \$1 for all subsequent on the same job, printer finding the paper.

The prices I pay to my journeymen, are as follows:

For composition, 35 cents per 1000 ems. Rule and figure work, double.

For press-work, man and boy, 35 cents per token.

The public printer is a constitutional officer in this State. His term is limited to 2 years, and elected by joint vote of both houses of the Assembly. He gives bond in the sum of \$2,000 for the faithful discharge of his duties. The law authorizes him to contract for all paper required for printing for the legislature. The law does not specify the size of the pages of the journals or laws, but requires them to be printed on long primer or small pica type.

I print the journals and laws on the same size page, being the exact size of the congressional documents, which is the most convenient size.

The profits arising from the work, at the prices allowed, are small; the expenses attending its completion being very great.

Stitching, folding, binding, &c., is paid for, extra of the above prices; but the prices for this are not fixed by law.

I am sir, very respectfully,

Your obedient servant,

WILLIAM WALTERS,  
*Public printer of the State of Illinois.*

Any further information you may desire, will at any time be cheerfully furnished.

REPORTER OFFICE,  
HARRISBURG, Feb. 9, 1839.

*Dear Sir*—Your note as chairman of a committee of the Senate of Ohio, dated 29th January, requesting information relative to prices of printing allowed by the Legislature of Pennsylvania, was received yesterday. I cheerfully give you all the information in my power.

1st. The Laws of the commonwealth are printed at \$40 per sheet, (16 pages,) done upon long primer type, and to contain 1500 m's per page—4000 copies; extra number in proportion.

2nd. The Journals of the House of Representatives and Senate at \$20 per sheet, (16 pages,) each page 1500 m's long primer type, 1200 copies; extra number in proportion. Figure work upon Journals \$30 per sheet; rule and figure, tables, &c. \$40.

3rd. Bills contain 1200 m's pica, (including) reglets and blank lines, printed on cap paper, 160 copies, at \$1.50 per page.

4th. Journeymen's wages per week \$8.00, and over-work twenty cents per hour; by the piece, 27½ cents per 1000 m's composition; press work 35 cents per token, pressmen to find roller boy. It may be necessary to add, that Journeymen employed by the week work 10 hours per day, after which they charge over-work.

The above rate of prices I hope may be satisfactory to you.

Respectfully, &c.

W. D. BOAS.

GEO. W. HOLMES, Esq.

The letter of Mr. Boas, public printer at Harrisburgh, may need some explanation. By computation, it appears that \$40 per sheet of 16 pages, for an edition of 4,000 copies of laws, in the first answer, the composition per 1,000 ems, would be 75 cents, and the press work per token, 70 cents. The second proposition, at \$20 per sheet, (1200 copies of the journal,) 55 cents per 1000 ems, and press work, 60 cents per token.

From the foregoing facts, the prices of printing in the several States, stand thus:

*In Ohio.*

Composition, per 1000 ems.....	35 cents.
Press-work, per token.....	40

*In Indiana.*

Composition, per 1000 ems.....	62½ cents.
Press-work, per token.....	62½

*In Illinois.*

Composition, per 1000 ems.....	75 cents.
Press-work, per token.....	75

*In Pennsylvania.*

Composition, per 1000 ems.....	55 to 75 cents.
Press-work, per token.....	60 to 70

Your committee in presenting this report, do not accompany it with a bill, from the consideration that there is already one laid upon the tables of members, from the other House. They are willing to delay a short time to witness what action may be had upon it.

---

(O.)

*Report of the committee on the judiciary in relation to the law regulating real contracts. Feb. 7, 1839. By Mr. Walton.*

The standing committee on the judiciary, to which was referred the resolution instructing the committee "to inquire into the expediency of passing a law to enable the vender of real estate to recover from the purchaser, the taxes which he may be compelled to pay on real estate sold upon credit, and which taxes shall accrue after the purchaser shall have entered into and obtained full possession of such real estate," have had the same under consideration, and report:

That the committee suppose the object of the proposed amendment, is to embrace the class of cases, where the vender of real estate contracts with the purchaser to sell him the land, and to put him in possession of the same before full payment is made by the purchaser, retaining the title in himself until full payment; or until further payment is made by the purchaser, for his own more complete security.

In cases of this kind, the title being in the vendor, no transfer can be made on the books of the auditor for taxation, consequently the taxes are charged on the land to the vendor. If he pay these taxes, which he is bound to do to keep the title unincumbered, he has no remedy to recover them back. This may have occasioned, in some instances, a hardship and loss to the vender, where he has not made proper provision for his own



security in the contract. In most parts of the State, if not in all, in sales of this kind the vender takes care to secure the payment of the taxes by the purchaser. If he neglect it, the fault is his own and not the fault of the law.

It is difficult to discover what legislation could be had, which would not leave the parties equally exposed in cases where they might neglect to contract in proper terms. The committee are sure that the legislation proposed by the resolution, would place the parties to real contracts generally in no better condition than the present law. And it is believed that fewer cases of hardship will occur by keeping the law stationary, so that it may be known by all whose business and interest it is to know it, than to attempt to relieve from the errors which an ignorance of the law may have occasioned. By keeping the laws affecting real property permanent, the various rights of individuals under the law will be more generally known, and better understood, and the rights to real property more easily defined. There is nothing which tends to more confusion and mischief, and which more seriously affects the rights of individuals, and even the very titles to real estate itself, than the too frequent interposition of the legislature to change or alter the law to embrace what may be supposed to be defects in the law, when in fact the fault is with the contracting parties themselves. Your committee therefore deem it inexpedient to adopt any further legislation on this subject at present; and therefore offer for adoption the following resolution:

*Resolved,* That the committee be discharged from the further consideration of the subject.

---

(P.)

*Report of the committee on Schools, on the subject of the common school director. Feb. 18, 1839. By Mr. Fuller.*

The standing committee on schools and school lands, to whom have been referred several petitions, praying that the publication and gratuitous distribution of the Common School Director may be continued, have had the same under consideration, and ask leave to report:

That the principal objects which the legislature had in view in directing the publication of the Common School Director, have been already accomplished. Their object was to place in the hands of the officers of every school district in the State, at an early day, a copy of the new school law, and also a complete set of forms for the transaction of all the duties required of district, township and county officers. This has been accomplished in the six numbers already published, and in all cases where the districts have preserved them, as it was their duty to do, they have now in their hands the school law and all the necessary forms for the transaction of all duties required by it. If the publication of the Director should be continued, it would be for the purpose of furnishing to each district, gratuitously, a literary paper in aid of the common school system, and devoted to its objects. Such a paper if intended for preservation, would be read but by few persons in each district. Your committee are satisfied that such a paper, properly conducted, would be highly useful, and would tend to promote uniformity of action and feeling

in the different parts of the State. Notwithstanding these views, your committee cannot resist the conviction, that it is of paramount importance in this early stage of our efforts to educate the whole youth of the State, to divest the system of every unnecessary expenditure.

It will probably become necessary in a few years after the system is more firmly established and better understood, to republish for the use of the districts, the laws as they shall then exist, with the necessary forms; and your committee would suggest that it might then be advisable to republish all the laws in force, respecting school lands and school revenues; and in a form better adapted to preservation than the Common School Director. This publication, your committee believe, can at present be dispensed with, and offer for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their papers.

---

(Q.)

*Report of the committee on the judiciary on the petition of Rob't. Boys for divorce. Feb. 7, 1839. By Mr. Smith.*

The standing committee on the Judiciary to which was referred the petition of Robert Boys of the county of Trumbull, praying to be divorced from his wife Clarinda Boys, together with the testimony and documents accompanying the same, have examined the subject and now submit the following report:

The petitioner sets forth substantially the following facts: that he has resided in the county of Trumbull for the last twenty-seven years; that on or about the eighth day of January, eighteen hundred and twenty-nine, he was joined in lawful marriage to Clarinda Wheeler his present wife, that he lived and cohabited with her until after they had born to them two daughters, and until sometime in the early part of November, A. D. 1831, "when the said Clarinda left him wilfully, and without any just or reasonable cause whatever, taking with her her youngest child and all the property which came to petitioner by his intermarriage with her, and went to live with her father, with whom she still lives;" that he never gave to his said wife any reasonable cause or inducement to absent herself from his bed and board, or to continue absent; but has frequently asked her in a friendly manner, to return to him and live with him, "but that she persists in her refusal to comply with his request."

On the third day of November last, as is shown by the testimony, a written notice of the intended application for a divorce was served upon Mrs. Boys, in which the cause of divorce is alleged to be the fact, that she had "wilfully refused to live and cohabit with petitioner as his wife, and that she still refuses to do the same."

The petitioner has proceeded to take the depositions of four witnesses, Thomas Boyd, Thomas Skillman, Bela Hawkins and Daniel Boys; notice having been previously served upon the respondent, of the time and place of taking the depositions. By these witnesses, your committee believe that the following facts have been proven, to wit: the marriage of the parties at the time set forth in the petition; that previous to their final separation, the wife of the petitioner would occasionally absent herself

from her husband, for six or eight weeks at a time ; that in other respects she failed to discharge the duties which were incumbent upon her as a prudent and dutiful wife : that the petitioner had frequent occasion to find fault with his wife, for her careless and imprudent management of the household concerns—that her temper was an unhappy one, and that she was pettish, and selfish in her disposition. There is no testimony before the committee from which it appears that the petitioner maltreated his wife ; but on the contrary, the witnesses testify that he has always provided well for her and his family—has treated her as well as any wife ought to expect to be treated by her husband,—his circumstances, and the circumstances of almost any other, considered : that he never gave her (as stated by one of the witnesses as far as he knew,) a cross word, excepting when she was in the fault, and even then, that he said but little—that he never knew petitioner to strike or offer to strike his wife ; nor has he heard of it ; that she might have lived comfortably and happily with her husband, had it been in her nature to have done so—that she has absented herself from her husband's house without any just cause or provocation ; that at different times during the last two years, she has declared that she never would live with her husband again. It is proper to remark that this testimony was taken on behalf of the petitioner alone, no depositions having been taken on behalf of the respondent : whether she would have been able to have presented the facts of the case in a different aspect, had she put herself to the trouble and expense of taking testimony, it is not for the committee to say ; they must act upon the evidence presented to them for consideration.

In this case, there is no material difference between the allegations of the petition and the testimony produced to sustain those allegations. If therefore those allegations be true—if they are established by the evidence ; the petitioner has full, adequate and complete remedy under the existing laws providing for divorce before the Supreme Court of the State. If any cause of divorce be established, it is the wilful absence of the wife, for more than three years, from her husband. This absence is alleged to have been against the will of the husband ; that he has frequently solicited her to return, which she has neglected and refused to do. If these facts be established in the Supreme Court, and the petitioner should likewise prove that he has conducted himself properly, that tribunal would unquestionably grant him relief. Legislative interference therefore, in this case, would be inexpedient. Your committee therefore recommend the adoption of the following resolution :

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his papers.

---

( R. )

*Report of the military committee on the petition of the Cleveland Greys.  
Feb. 18, 1839. By Mr. Stokely.*

The committee on military affairs, to whom was referred the petition of the company of volunteers of the city of Cleveland, called "the Cleveland Greys," have had the same under consideration, and now ask leave to report:

That they feel the propriety and necessity of legislative encouragement for this species of force, and they hope to see the independent companies



of this State so increased in number, organized, and disciplined, as to entirely supersede the necessity of calling out or training the common militia in time of peace. Yet they believe that while the law continues in force as now enacted, it would be doing manifest injustice to the general and field officers of the brigades in which such companies are formed, to exempt them from the performance of military duty, and except them from the proper command of their respective superior officers. The committee highly approve of the patriotic offer of this company, to aid the civil officers of the county of Cuyahoga and of the city of Cleveland, in the execution of their appropriate duties; and the necessity of their assistance occasionally has been duly certified to us by these civil officers. But believing it to be the duty of every species of military force in the State, to afford prompt and efficient aid to the civil authority, and to act under such authority in the execution of the laws, your committee cannot see the necessity for this particular exemption and exception to effect this proper object; but are of the opinion, that it would be unmilitary and inexpedient. They therefore pray to be discharged from the further consideration of the subject.

---

(S.)

*Report of the judiciary committee on bill of the House No. 183. Feb. 19, 1839. By Mr. Smith.*

The standing committee on the judiciary, to which was referred House bill No. 183, "an act to divorce Mary Earle from her husband Robert Earle," have examined the subject, and report:

The testimony in this case establishes the following facts: That the parties were married in the month of April, 1834; that the present husband of Mrs. Earle had previously paid his addresses to a young lady in Pennsylvania; and from his declarations before, and his conduct and conversation subsequent to his marriage, it would appear that his wife had neither engaged his affections nor commanded his respect. His language to her was both vulgar and abusive. As might have been anticipated, a separation took place about three months after their marriage, the petitioner, as she alleges, having been ordered and driven home to her father's house. Earle shortly after left the neighborhood, resided for sometime at or near Perrysburg, where he represented himself as a single man. From thence he went to the State of Indiana, where he entered into one or two marriage contracts, the consummation of which was prevented by the receipt of the intelligence, that he had a wife living in Wayne county, Ohio. The testimony is *ex parte*, no notice, as far as appears to the committee, having been given to Earle of the taking of the depositions. Under the circumstances perhaps, it was almost impracticable to give such notice; but giving full credit to the evidence, your committee believe that sound policy in this case, requires the rejection of the bill. The separation does not appear to have been voluntary on the part of the petitioner; but that she was driven from her home to seek refuge in the house of her father, by the abusive and brutal conduct of her husband; that shortly after the separation he wilfully absented himself, and has been absent for more than four years. These facts, if true, would in the opinion of your committee, give to the supreme court ample jurisdiction of the case. They therefore recommend the indefinite postponement of the bill.

(T.)

---

REPORT  
OF A  
MAJORITY OF A JOINT SELECT COMMITTEE  
OF THE  
GENERAL ASSEMBLY,  
APPOINTED  
TO EXAMINE THE BANK OF CANTON.  
*In Senate, February 6, 1839—Presented by Mr. Thompson.*

---





## REPORT

---

The joint select committee appointed by the legislature to examine into the affairs and doings of the Farmers' Bank of Canton, agreeably to the provisions of a joint resolution, have attended to that duty, and a majority thereof submit the following report:

In entering upon this duty, owing to the excitement in the community in relation to this institution, your committee felt that a deep responsibility rested upon them. In the present state of the public excitement, the committee deemed it their duty to look with more than ordinary diligence into the present condition of this corporation, in order that the note or bill holders might ascertain, if possible, their value, and that depositors and other creditors might have some idea of the value of their claims against the bank.

On Monday the 14th January instant, the committee entered the banking house of the company, and continued their investigation until they believed they had possessed themselves of all the important facts required by the resolution. Much credit is due to the President, Cashier and other officers of the institution, for the friendly manner in which they treated your committee during the investigation, and the services rendered in obtaining important information from the books, papers, &c., in order to enable them to arrive at the facts in the premises.

The committee, at the commencement of their duties, called for a statement of the bank made out from the balance sheet on the day nearest the first day of May last, 1838, and also for a similar statement on the 9th January, 1839, and in compliance with this request, the statements were furnished by the Cashier. The first bears date April 25, 1838, which is exhibit marked A. The second bears date January 12th, 1839, which is exhibit marked B. It is proper, however, to remark that the investigation has been principally confined to the condition of the bank at the present time, agreeably to the command of the legislature, as contained in the resolution, without attempting to ferret out ancient or former abuses, if any might have existed, except in a

few instances, which seemed absolutely necessary in order to a full understanding of the present condition of the bank.

The exhibit of the bank on the 25th April last, agreeably to statement marked A, is as follows:

## A.

RESOURCES.		LIABILITIES.	
Bills discounted,	\$197,211 89	Capital stock,	\$100,000 00
Suspended debt,	51,376 79	Bills in circulation,	268,894 00
Bills of exchange,	33,000 00	Profit and loss account,	14,391 19
Real estate,	3,765 98	Due Ward & Co.	20,461 91
Protest,	20 24	Banks,	11,764 62
Claims in hands of att'ys,	127,685 82	Deposites,	28,965 73
Due by Company,	8,628 71		
Banks,	6,685 80		
Specie,	9,017 22		
Foreign notes,	2,085 00		
Total resources,	439,477 45	Total liabilities,	439,477 45

It will be perceived by referring to the above exhibit marked A, that the bank had on hand in specie on the 25th April, 1838, \$9,017 22. That previous to this time, to wit, in March last, the paper of the bank commenced depreciating in value, and the bank had ceased to redeem its notes in gold or silver, or in the common paper currency of the state. While the bank was thus suspended and their notes had depreciated in value, we learn from the proof and other circumstances that they had disposed of the \$9,017 22, in the following manner, to wit:—

The bank sold to the Wooster bank, at a premium of 2½ per cent, the sum of \$3,000, for Ohio bank paper, which was to be returned when wanted.

The bank gave for an even exchange twelve or fifteen hundred dollars in specie for Ohio bank paper, to one Daniel Dewalt, the brother of one of the bank stockholders, upon an understanding on the part of Mr. Dewalt, that he would return it if the bank required it; which, however, he never was required to do.

It gave upon an even exchange \$1000 in specie for Ohio bank paper, to one O. T. Browning, the brother-in-law of the Cashier of the Institution. The balance of the \$9,017 22 was unaccounted for by the Cashier.

At the time these exchanges were made, specie was worth from six to eight per cent premium.

These are the only remarks necessary to be made at this time upon the above exhibit.

The following is a statement of the condition of the bank on the 12th January, instant, agreeably to exhibit marked B.

## B.

*State of the Farmers' Bank of Canton, on Saturday, January 12, 1839.*

RESOURCES.		LIABILITIES.	
Bills discounted	\$136,066 04	Stock	\$100,000 00
Suspended debt	43,500 00	Bills issued	242,956
Interest on certificates of deposit	78 50	Bills on hand	129,629
Real estate	3,765 98	Bills in circulation	113,327 00
Protest	17 24	Profit and loss	20,020 17
Sandy, &c. company	8,628 71	Expense	71 73
Claims in hands of att'ys	90,434 02	Premium	1 00
Due by banks	3,385 45		20,092 90
“ John Ward & Co.	43	Due to banks	8,345 23
Specie	5 14	Certificates of deposit on interest	37,987 50
Foreign notes	150 00	Other deposits	6,276 89
	<u>\$286,031 52</u>		<u>\$286,031 52</u>

Statement C, contains a list of the notes discounted which make up the item called “bills discounted,” in exhibit marked B, together with the number of the notes, residence of the principal debtor, the time when due, and the amount of such indebtedness.

The committee have thought proper to withhold from the public the names of the debtors that make up this item, except the name of Mr. Kingman, who resides at Buffalo in the State of New York, and whose notes are not yet due, amounting in the aggregate to about *forty-three thousand dollars*, the payment of which your committee think doubtful, although the bank has used considerable diligence in attempting to make it secure by mortgage on real estate. But suppose this claim to be altogether safe to the bank in the end, the public or those who hold the notes of the bank will receive but little benefit therefrom on account of the length of time the notes have yet to run. These notes fall due at regular periods until 1843.

The balance of this item in exhibit marked B, of bills discounted, amounting in all to \$136,066, including Mr. Kingman's debt, your committee consider good. The part of this item which your



committee consider good, amounts to something near ninety-four thousand dollars. The notes that form this last sum are principally over due; many of them were due previous to the suspension in May, 1837.

The only serious difficulty in the collection of the notes discounted, is this: much the larger portion of them consists in bills discounted to the President, Cashier, Directors, and other Stockholders. These persons owe the bank directly and indirectly about \$107,000. The bank owes the whole amount of its circulation and deposits to the community, which amounts to something near \$160,000. Thus it is in the power of the directors of the bank, who by the way are its sole managers, to prevent their own institution from ever discharging its debts, or in other words, it is in the power of the directors and stockholders owing the institution, managed by themselves, to shelter behind the corporate name of the bank, and defy the community holding their notes, from whom they have received value therefor, and by their own acts making the soulless corporation to play the part of a mere mute between themselves and the public.

The item of deposits consists principally in paper of their own bank. About two hundred persons, since the suspension, having small quantities of the paper of the bank have deposited the same and took a certificate of deposit bearing interest from date. This item amounts to something near forty-four thousand dollars.—(See statement B.)

Statement marked D, shows the amount of notes discounted and placed into the hands of attornies for collection, and which amount of \$141,812 56, includes the item of suspended debt of \$43,500. The sum of \$34,500, of the suspended portion of this debt, is called the Rathbun debt, and the other nine thousand dollars is due from other persons in Buffalo. The committee are of opinion that several of the claims which constitute the sum of \$141,812 56, on statement D, are doubtful, and the collection even if all good, (although over due) would be protracted. Still your committee think it safe to say, from the evidence and information they have been able to procure, that the bank in no event can suffer a greater loss than 50 per cent on the whole amount, and perhaps not more than thirty-five per cent.—(See paper marked D.)

The Banking house and lot, with the appurtenances, as placed on exhibit B, as resources, fixed at \$3,765 98, is, in the belief of your committee, a proper estimate. The specie of \$5 14, as represented in exhibit B as "resources," was found on examination to have swollen to \$40.

The item on exhibit B, of foreign notes, placed there as

"resources," was found on examination to be *counterfeit and notes on broken banks*.

Your committee believe from the attention they have been able to bestow upon the condition of this institution on the 12th of January, 1839, that the following statement will be nearly correct:

## RESOURCES.

Good debts due from direct'rs and cash'r,	\$58,432	67
Debts due from other stockholders,	- 13,734	00
Notes on which stockholders are security,	4,303	00
Judgements secured by stockholders,	- 31,352	00
<hr/>		
Total liabilities of stockholders,	- - -	107,821 67
Other debts considered good,	- - -	56,178 33
Real estate,	- - -	3,765 98
Due from other Banks,	- - -	3,385 46
Interest accruing on obligations due the Bank,	- - -	8,000 00
Specie on hand,	- - -	40 00
<hr/>		
		\$179,191 44

## LIABILITIES OF THE BANK.

Notes in circulation,	- - -	\$113,327 00
Due to other Banks,	- - -	8,365 25
Certificates of deposit on interest,	- - -	37,987 50
Other deposits,	- - -	6,278 87
Due the State for taxes on dividends,	- - -	2,500 00
<hr/>		
Total amount of liabilities,	- - -	168,437 62
<hr/>		
Balance,	- - -	10,753 82
To this may be added the suspended debt,	- - -	43,500 00
Doubtful and bad debts,	- - -	52,561 45
Sandy and Nimishilling Company,	- - -	8,628 71
Counterfeit and broken bank notes	- - -	150 00
<hr/>		
Balance due the Bank,	- - -	\$115,593 98

The statement marked H, contains a list of the stockholders of the bank on the 12th January, 1839, and the amount of stock owned by each. (See paper marked H.)

Statement marked G, contains a list of the names of the directors of the bank on the 12th January, 1839, a majority of whom have acted for years past in that capacity. (See paper marked G.)

Statement marked K, shows a list of debts due to other banks on the 12th of January, 1839; also a list of debts due to the bank from other banks on the same day. It will be seen by reading this exhibit, that after deducting the amount due to the bank from what it owes other banks, the banks would suffer a loss of only \$4,959 77. Supposing the institution to fail showing a great disproportion between their losses as corporations, and that of the note-holders and depositors, whether this arises from the fact that the banks understand the history of each other so as to take advantage of any seeming inability to perform its contracts, or whether there is, from a common feeling of mutual safety, a disposition to protect each other, your committee is unable to say; but past history proves that banks never in the failure of each other sustain losses in an equal ratio with the people. (See paper marked K.)

Statement E, shows the amount of bank notes or bills sunk or destroyed by the bank on the 26th November, 1838, together with a recapitulation of the same; also a report showing the condition of the bank as made by a committee of its officers on that day.—(See statement E.)

Statement marked J, shows the amount of profits divided among the stockholders and applied to the capital stock of the bank in proportion to the amount of stock previously held and owned by each stockholder, in the years 1832–34–35 and '37. The capital stock of the bank previous to the year 1832, was but \$50,000; and by adding these profits for five years, increased the stock to \$100,000, its present amount. The bank has not yet paid into the State Treasury the tax due the State on this fifty thousand dollars of dividends which has been added to the capital, which is \$2,500 tax.—(See statement J.)

Statement F, shows the highest amount of the notes of this bank in circulation during the years 1836–37–38; also the amount of debts and specie at the same time.

The circulation of the bank in July 1836, as it appears from statement F, amounted to \$519,347. The capital stock at the same time amounted to \$80,000. The bank had on hand at the same time about \$35,000 in specie. And what still appears more strange, is, that the paper in circulation nearly equalled in amount all the debts due the institution, as will appear by reference to statement F.

The same statement F, shows that in March 1839, the debts due the bank amounted to \$512,776 60; and the circulation at the same time was \$471,855, only \$41,000 less than all the means in the possession of the bank to discharge all the liabilities of the same.



By these issues of the bank at these two different periods, the directors of the institution have made themselves liable in their individual capacity for all the debts of the bank, in excess over three times the amount of the capital stock paid in at the time such debt was contracted.

In regard to the above statement F, it will not be amiss to incorporate in this report the 29th section of the charter incorporating this and various other banks in Ohio, which is in the following words: "Be it further enacted, that the total amount of the debts which any one of said corporations shall at any time owe, whether by bond, bill, note, or other contract, over and above the moneys then actually deposited in such bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the bank, one-half of which at least shall be in specie, and in case of such excess the directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities; but this shall not be construed to exempt the corporation or any estate real and personal which they may hold as a body corporate from being also liable and chargeable for the said excess, but such of the said directors as may have been absent when such excess was contracted, or being present may have dissented therefrom, may exonerate themselves by immediately giving public notice to the stockholders of such excess and of their absence at the time it was contracted, or if present of their dissent therefrom." Whether the directors of this bank have laid themselves liable to the provision of this act, is a matter of easy determination by examining statement F.

The rumors in circulation in regard to the officers purchasing the paper of the bank at a discount, were slightly inquired into by the committee. Some of the persons who were supposed by many to have been employed as agents by the bank in that business were examined under oath. Their testimony in the case will be found in the papers marked O, P, Q, R, S.

The Chairman of the committee feels it due to himself to remark, that the investigation tending to this charge would have been more general, but for a difference of opinion existing in the minds of the committee as to the propriety of the matter. The President insisted that he could not be compelled to answer questions touching this point, thereby rendering it a very delicate subject.

Since your committee returned to Columbus from their investigation of this institution, the Cashier has furnished your committee with the following statement L, showing the condition of this bank on the 21st of January, 1839, by which it will be perceived they have reduced their liability \$13,039 42, since your committee left the bank.—(See statement L.)

In conclusion, your committee are of opinion that this institution has the entire ability to redeem all their notes or bills in circulation, and pay to the depositors all moneys left with them on deposit, provided the directors and stockholders pay what they owe the bank, of which they are the principal of the responsible debtors.

Should the bank, however, fail to go into operation within a reasonable time, (as your committee have some reason to believe it will,) and should the act now before the legislature appointing bank commissioners not pass within a reasonable time hereafter of the present General Assembly, your committee think and believe some measure should be adopted by this legislature so as to compel the directors and stockholders of this institution to liquidate what they owe the bank, in order to prevent as little loss as possible by the people holding their notes or bills on this institution.

The committee have recently been informed by one of the directors of the bank, that a considerable amount of funds have been lately procured, and that the bank will commence business within two weeks.

All of which is respectfully submitted.

JAMES THOMPSON,  
P. P. LOWE.

## EXHIBIT A.

*Statement of the condition of the Farmers' Bank of Canton on the  
25th April, A. D. 1838.*

Bills discounted	-	-	-	-	-	-	\$197,211 89
Suspended debt	-	-	-	-	-	-	51,376 79
Bills of exchange	-	-	-	-	-	-	33,000 00
Real estate	-	-	-	-	-	-	3,765 98
Protest	-	-	-	-	-	-	20 24
Claims in hands of attorneys of bank	-	-	-	-	-	-	127,685 82
Due by Sandy and Nim. Navigation Company	-	-	-	-	-	-	8,628 71
“ “ Banks	-	-	-	-	-	-	6,685 80
Specie	-	-	-	-	-	-	9,017 22
Foreign notes	-	-	-	-	-	-	2,085 00
							<u>\$439,477 45</u>

Stock	-	-	-	-	-	-	\$100,000 00
Bills in circulation	-	-	-	-	-	-	263,894 00
Profit and loss account	-	-	-	-	-	-	14,391 19
Due John Ward and Co.	-	-	-	-	-	-	20,461 91
“ To banks	-	-	-	-	-	-	11,764 62
“ Depositors	-	-	-	-	-	-	28,965 73
							<u>\$439,477 45</u>

LEWIS FOGLE, *Cashier.*

## EXAMINATION.

*Question to Lewis Fogle, cashier.*—What has become of the item of specie of \$9,017 22, as shown on exhibit A? Please state particularly the manner it has been appropriated or disbursed, when, and to whom?

*Answer.*—I paid the Bank of Wooster \$3000; Daniel Dewalt, \$1200 or \$1500 for foreign paper, with the understanding that it would be refunded at any time I called on them for it. I paid M. McKedall \$1000 for a protest draft drawn on N. York. I exchanged with O. T. Browning, about \$1000 for Ohio funds, not of our own bank paper, and the balance, excepting which is on hands, for postage, payments on deposits, and for the redemption of paper.

*Question.*—Please state if you received any premium on the specie above alluded to, and if so, what amount of premium did you receive, and on what proportion of the \$9017 22 did you receive it?

*Answer.*—I received on the \$3000, Bank of Wooster, a premium of 2½ per cent.

I certify that the within named Lewis Fogle, was by me duly sworn to the correctness and truth of the within answers to the within interrogatories.

JNO. MYERS,  
*Mayor of the town of Canton.*

JANUARY 16, 1838.



## EXHIBIT B.

*State of the Farmers' Bank of Canton on Saturday, January 12, 1839.*

## RESOURCES.

Bills discounted.....	\$136,066 04	
Suspended debt.....	43,500 00	
Interest on certificates of deposite.....	78 50	
Real estate.....	3,765 98	
Protest.....	17 24	
Sandy and Nimishillen Navigation Company.....	8,628 71	
A. Sortwell, } Att'ys of bank, { .....	\$61 06	
H. Griswold, } .....	3,609 27	
J. Harris, } .....	86,763 69	
	<hr/>	90,434 02
Due by banks.....	3,385 46	
Due by John Ward & Co.....	0 43	
Specie.....	5 14	
Foreign notes, counterfeit, and broken banks.....	150 00	
	<hr/>	286,031 52
	<hr/>	

## LIABILITIES.

Stock.....	\$100,000 00	
Bills issued.....	\$242,956	
Bills on hand.....	129,629	
	<hr/>	
Bills in circulation.....	113,327 00	
Profit and loss.....	\$20,020 17	
Expense.....	71 73	
Premium.....	1 00	
	<hr/>	20,092 90
Due to banks.....	8,345 23	
Certificates of deposite on interest.....	37,987 50	
Other deposites.....	6,278 89	
	<hr/>	286,031 52
	<hr/>	

LEWIS FOGLE, *Cashier.*

Interrogatories to Lewis Fogle, Esq. Cashier:

Question. Is the foregoing Exhibit B truly taken from the books of the bank; and does it, as far as you know or believe, contain and show the true condition of the bank on the 12th January, 1839.

Answer. They are, excepting the item of attorneys of bank, and the item of deposites. Clerical errors have since been detected, January 16th.

Sworn to, January 16, 1839.

JNO. MYERS, *Mayor.*

## STATEMENT of bills discounted by the Farmers' Bank of Canton.

No.	Residence.	Security.	Whether due.	Amount.
1	Monroe Falls, Portage Co.	Two indorsers.	Over due.	\$7,389 09
2	Brookfield, Stark Co.	do do	do	2,075 00
3	"	do do	do	4,118 00
4	Wooster, Ohio.	do do	do	1,527 00
5	Cleveland, "	One indorser & mort'g security.	{ ‡ due now, the balance } { 26 July, 1839 & 1840. }	3,638 26
6	East Union, Wayne Co.	Two indorsers.	Due.	161 33
7	Canton.	do do	do	8,000 00
8	"	do do	do	75 00
9	"	do do	do	100 00
10	"	do do	do	500 00
11	"	do do	do	71 00
12	"	do do	do	300 00
13	"	do do	do	285 00
14	"	do do	do	520 00
15	"	do do	do	2,965 00
16	"	do do	do	9,421 09
17	"	do do	do	3,312 00
18	"	do do	do	6,700 00
19	"	do do	do	16,258 67
20	"	do do	do	4,500 00

## Statement C—continued.

No.	Residence.	Security.	Whether due.	Amount.
21	Canton.	Two i dorser	Due	\$4,900 00
22	"	do	do	1,000 00
23	"	do	do	2,750 00
24	Dover, Tuscarawas Co.	do	do	352 00
25	Columbiana Co.	do	do	132 00
26	Cleveland, Ohio.	do	do	240 00
27	Minerva, Stark Co.	do	do	50 00
28	Osnaburgh, "	do	do	125 00
29	Massillon, "	do	do	2,000 00
30	"	do	do	139 70
31	"	do	do	1,718 00
32	"	do	do	60 00
33	"	do	do	147 00
34	"	do	do	197 00
35	"	do	do	2,722 00
36	"	do	do	1,200 00
37	Zoar, Tuscarawas Co.	do	do	312 00
38	"	do	do	3,166 00
39	New Philadelphia, Ohio.	do	do	9 00
40	Buffalo, N. York.	One indorser & mort'g security.	May 27, 1839.	4,310 00
41	"	do	Oct. 27, "	4,310 00
42	"	do	June 1, "	6,000 00
43	"	do	June 1, 1840.	6,000 00



44	"	One indorser &	do	May 27, 1840.	4,310 00
45	"		do	June 1, 1841.	6,000 00
46	"		do	June 1, 1842.	6,000 00
47	"		do	June 1, 1843.	6,000 00
					<hr/>
					\$136,066 04
					<hr/>
					\$11,210 01

Back interest due on these bonds up to January 12, 1839, is  
and does not yet appear on the statement.

*Examination of John Harris, Esq.*

QUESTION.—Does the foregoing list of individual liabilities due the Bank, make up and constitute the sum of \$136,066 04 on exhibit B, (excepting the interest thereon of \$11,210 01.)? and if so, what portion of \$136,066 04, is good—what doubtful—and what portion is bad?

ANSWER.—I believe every dollar of the \$136,066 04 is safe. I do not think there is a doubtful dollar in the whole, unless it be Nos. 42,43,45,46, and 47, amounting to \$30,000, which is secured by mortgage, which I was assured by those I believe competent to judge, was a fair security for the money. The various items in this paper constitute the \$136,066 04 in paper marked B, being a general statement of the Bank, of January 12, 1839.

JOHN HARRIS.

Sworn to, January 16, 1839.

JNO. MYERS, *Mayor.*

D.

*STATEMENT of claims in hands of Attorneys for collection, including suspended debt and back interest up to January 1, 1839.*

No. def'ts.	Residence.	Situation.	Amount.
Three	Cleveland.	In suit.	\$35 00
"	Wayne Co.	In judgment.	13 00
"	Akron.	In execution.	550 00
"	Bolivar & Canton.	In judgment.	939 83
"	" "	In do	13 00
Four	Cleveland.	In execution.	2,356 63
One	Canton.	In judgment.	53 00
Three	Trumbull Co.	In execution.	784 64
"	Cleveland.	In do	2,362 44
Four	" & Cincinnati.	In judgment.	2,150 00
"	Cuyahoga Falls.	In execution.	2,773 76
Six	" "	In do	3,283 49
Three	Cleveland.	In suit.	3,443 00
Four	Cuyahoga Falls.	In execution.	1,069 71
Two	Cleveland.	In do	3,444 68
Three	"	In judgment.	4,565 99
"	"	In do	1,722 16
Four	Cleveland & Canal Dover.	In suit.	6,020 00
Five	Cuyahoga Falls.	In judgment.	20 00

## Statement D—continued.

No. Def'ts	Residence.	Situation.	Amount.
Five	Cuyahoga Falls.	In execution.	\$6,449 85
Four	do do	In do	2,640 26
Five	Portage Co.	In suit.	4,631 40
Six	Cuyahoga Falls.	In execution.	166 00
Three	Carroll Co. & Canton.	In judgment.	110 80
One	Middlebury.	In do	35 31
Three	Stark Co.	In execution.	1,215 00
"	Cuyahoga Falls.	In do	310 00
"	do do	In do	922 00
"	Monroe Falls.	In judgment.	1,563 30
Four	Cuyahoga Falls.	In do	1,855 00
Three	do do	In do	305 00
"	Cleveland.	In suit.	1,440 00
Two	do	In judgment.	150 00
Five	Cuyahoga Falls & Canton.	{ In suit part & } { part not due. }	26,000 00
Three	Pittsburgh & Canton.	do	6,423 00
"	Cleveland do	do	227 00
"	Cuyahoga Falls.	do	1,500 00
Two	do do & Canton.	do	1,600 00
"	Buffalo.	do	1,130 00
Five	New York.	In suit.	{ Suspended debt. { 5,000 00 2,000 00 2,000 00 34,500 00
"	do & Buffalo.	In do	
Three	do do	In do	
	Benj. Rathbun and others.	In do	
Four	Massillon.	In execution.	
"	do	In do	2,275 17
Three	do	In do	702 87
Four	do	In judgment.	569 00
Three	do	In do	430 21
"	do	In do	6 73
		In do	54 33
			<hr/>
			\$141,913 25
Deduct error,			100 69
			<hr/>
			\$141,812 56

Of these, all are supposed to be capable of being collected, save the Rathbun debt of \$34,500 00; of this, part may be paid.



*John Harris, Esq. being sworn, answers the following question:*

*Question.*—Does the above sum of \$141,812 56, include the item of suspended debt of \$43,500 00, and the claims in the hands of attorneys for collection, of \$90,434 02, on exhibit B; and if so, does the said item of \$141,812 56, include any part of the item of \$136,066 04 on same exhibit, and if the sum of \$141,812 56 is a distinct indebtedness, what portion of it is good, what portion doubtful, and what portion bad?

*Answer.*—The \$141 812 56 stated on this paper, are distinct claims from the \$136,066 04 first stated on paper marked B., and composes the item of \$90,434 02 in the hand of attorney of bank with interest, and the item of \$43,500 as suspended debt in the paper marked B. I believe the whole collectable, unless it is the \$34,500 stated as due from B. Rathbun and others. If the endorsements on that paper are genuine, I consider it entirely safe, though the endorsers, as I understand, say that the endorsements are a forgery; and many as I believe, and have been informed, believe the endorsement genuine. The balance of said \$141,812 56 I think is collectable in time, though in this may be mistaken in our claim of about \$6,000.

JOHN HARRIS.

Sworn to, and subscribed before me, January 16, 1839.

JNO. MYERS, *Mayor*.

---

E.

(COPY.)

FARMERS' BANK OF CANTON,  
November 26, 1838.

The undersigned, who were (at a meeting of the Board of Directors held on the 13th instant) appointed a committee to count and sink "such small bills and mutilated bills as they might think proper and expedient," report: That they have this day counted and sunk six thousand one hundred and fourteen bills of the denomination of one dollar, amounting to six thousand one hundred and fourteen dollars; nine hundred and thirty-four bills of the denomination of two dollars, amounting to one thousand eight hundred and sixty-eight dollars; six thousand six hundred and eighty-one bills of the denomination of three dollars, amounting to twenty thousand and forty-three dollars; twenty-three thousand and one bills of the denomination of five dollars, amounting to one hundred and fifteen thousand and five dollars; two thousand seven hundred and forty-four bills of the denomination of ten dollars, amounting to twenty-seven thousand four hundred and forty dollars; one thousand five hundred and eleven bills of the denomination of twenty dollars, amounting to thirty thousand two hundred and twenty dollars; nine hundred and twenty-seven bills of the denomination of fifty dollars, amounting to forty-six thousand three hundred and fifty dollars; nine hundred and eighty-eight bills of the denomination of one hundred dollars, amounting to ninety-eight thousand eight hundred dollars; and thirteen dollars and fifty cents of the

old emission, prior to 1829: amounting in all to the sum of three hundred and forty-five thousand eight hundred and fifty-three dollars and fifty cents.

RECAPITULATION.

6,114 bills of	1 dollar	.....	\$6,114 00
934 do	2 do	.....	1,868 00
6,631 do	3 do	.....	20,043 00
23,001 do	5 do	.....	115,005 00
2,744 do	10 do	.....	27,440 00
1,511 do	20 do	.....	30,220 00
927 do	50 do	.....	46,350 00
988 do	100 do	.....	98,800 00
Old emission, prior to 1829 .....			13 59
Total dollars.....			<u>345,853 50</u>

The committee have also sunk 100 twenties, and 100 tens, in blank, signed but not numbered, and never ordered to be issued.

Signed,

JOHN SHORB,  
JOHN SAXTON,  
JAMES HAZLITT,  
A. SHORTWELL,  
*Committee.*

(COPY.)

FARMERS' BANK OF CANTON,  
November 27, 1838.

The undersigned, who were (at a meeting of the Board of Directors held on the 13th instant) appointed a committee to "examine the state of the bank," report that they have this day made such examination, and find the following to be a correct statement, to wit:

Bills discounted.....	\$139,726 94	Capital stock.....	\$100,000 00
Suspended debt.....	43,500 00	Bills issued, \$242,956	
Real estate.....	3,765 98	" on hand, 122,964	
Protest account.....	17 24		
Due by Sandy & N.		" in circulation.....	119,992 00
Nav. Company ....	8,628 71	Profit and loss acc't..	20,020 17
Claims in hands of at-		Due to banks.....	8,202 82
torneys of bank.....	92,996 02	Due to depositors....	8,212 00
Due by banks.....	3,571 46	Certificates of depo-	
Due by J. Ward & Co.	43	site on interest.....	36,051 50
Specie.....	108 81	Diff.....	1 10
Foreign notes.....	164 00		
Total.....	<u>292,479 59</u>		<u>292,479 59</u>

Besides the above, there is the sum of \$17,026 50 back interest due to the bank, \$6,936 28 of which sum is interest and penalty on claims in hands of attorneys. The remaining \$10,090 22 is due on bills in bank.

All which is submitted.

Signed,

JOHN SHORB,  
JOHN SAXTON,  
JAMES HAZLITT,  
R. SHORTWELL,

*Committee.*

I certify the above to be a true copy.

THOS. GOODMAN, *Clerk.*

Sworn to, January 16, 1839.

JNO. MYERS, *Mayor.*

# F.

## *Circulation of the Bank at different periods.*

July 18, 1836. Circulation.....\$519,347 00

Bills discounted.....	303,925 69
Bills of exchange.....	137,489 33
Cash in hands of John Ward & Co. N. Y.	29,556 30
Silver on hand.....	34,991 60
Foreign notes.....	42,162 00

548,124 92

March 27, 1837. Circulation.....\$471,855 00

Bills of exchange.....	276,182 34
Silver.....	7,024 14
Gold.....	22,380 20
Foreign notes.....	9,460 00
Bills discounted.....	197,730 00

512,776 60

Interrogatories to Lewis Fogle, Esq. Cashier:

Question. Is the foregoing exhibit F truly taken from the books of the Farmers' Bank of Canton?

Answer. They are, to the best of my knowledge.

LEWIS FOGLE, *Cashier.*

Sworn to and subscribed before me, Jan. 16, 1839.

JNO. MYERS, *Mayor.*



## G.

*List of Directors of the Farmer's Bank of Canton for the year 1839.*

John Harris,	Sworn in.
John Shorb,	do
John Saxton,	do
John Myers,	do
James Hazlitt,	do
William Fogle,	
William Henry,	do
Martin Lorh,	do
T. R. Kimball,	do
Madison Reynolds,	
Almon Sortwell,	
Jacob Myers,	
George Dewatt,	do

Directors for the year 1838, the same, excepting Madison Reynolds, who was elected in the room of Lewis Fogle.

LEWIS FOGLE, *Cashier.*

Sworn to and subscribed before me, January 16, 1839.

JNO. MYERS, *Mayor.*

---

H.
*List of Stockholders of the Farmers' Bank of Canton, January 21, 1839.*

	Shares.	Am't.
J. M. Bimeler, Zoar, Tuscarawas county.....	200	\$5,000
William Christmas & Co., Canton.....	360	9,000
George Dewalt .....	210	5,250
James Duncan, Massillon .....	98	2,450
Gilberthorp Earl, Massillon.....	10	250
Lewis Fogle, Canton.....	120	3,000
Adam Fogle, Osnaburg.....	10	250
William Fogle, Canton.....	830	20,750
James Gaff, Jr. deceased, Canton.....	16	400
Thomas Hartford, Pittsburg.....	240	6,000
John Harris, Canton.....	480	12,000
James Hazlitt, Canton.....	150	3,750
William Henry, Brookfield.....	200	5,000
Benjamin Jones, Wooster.....	10	250
B. R. Kimball, Canton.....	58	1,450
B. R. Kimball & Co., Canton.....	47	1,175
Wheeler Lewis, deceased, Trumbull county.....	24	600
Martin Lohr, Canton.....	10	250

Stockholders.	Shares.	Am't.
Robert Latimer, Osnaburg.....	10	\$250
Jacob Myers, Canton.....	20	500
John Myers, Canton.....	60	1,500
M. Reynolds & Co.....	150	3,750
John Slusser.....	10	250
John Shorb.....	523	13,075
John Saxton.....	40	1,000
Jacob Sala.....	4	100
A. Sortwell.....	20	500
Arvine Wales, Kendall.....	90	2,250
		<hr/>
		100,000

### Examination of John Harris, President of the Canton Bank.

Question. Is the foregoing a true list of the names of the stockholders of the Farmers' Bank of Canton, on the 12th January, 1839? has the whole amount of the stock been paid, as represented in this sheet? If so, how much has been paid in specie?

Answer. The annexed I believe to be a correct statement of the stockholders of the Farmers' Bank of Canton, with the amount owned by each; and that the whole has been paid as therein stated. How much was originally paid in specie, I have no means of knowing—as the first five or six years' operation of the bank after 1829, our specie accumulated in abundance for any call made on us, and there was no particular object in obtaining specie in preference to paper of good banks.

JOHN HARRIS.

Sworn to, January 16, 1839.

JNO. MYERS, *Mayor*.

J.

### *Surplus dividends applied to stock.*

Nov. 6, 1832.	Surplus dividends.....	\$10,000
May 7, 1834.	do do .....	10,000
June 3, 1835.	do do .....	10,000
Feb 22, 1837.	do do .....	20,000

LEWIS FOGLE, *Cashier*.

Sworn to, January 16, 1839.

JNO. MYERS, *Mayor*.

K.

### *List of Debts due to other Banks.*

Farmers and Mechanics' Bank of Steubenville.....	\$3 00
Commercial Bank of Cincinnati.....	51 00

Bank of Michigan.....	\$231 50
Merchants and Mechanics' Bank of Pittsburg.....	2,617 21
Exchange Bank of Cincinnati.....	332 00
Bank of Wooster.....	4,611 52
Urbana Bank.....	729 00
	<hr/>
	8,345 23
	<hr/>

*Debts due from Banks*

Columbiana Bank of New Lisbon.....	\$3 00
Bank of Massillon .....	2 36
Belmont Bank of St. Clairsville.....	4 00
Stark county Orphans' Institute.....	1 25
Commercial Bank of Buffalo (paper for collection).....	3,374 85
	<hr/>
	3,385 46
	<hr/>

LEWIS FOGLE, *Cashier.*

Sworn to, January 16, 1839.

JNO. MYERS, *Mayor.*

L.

*State of the Farmers' Bank of Canton on the 21st January, 1839.*

Bills discounted.....	\$122,038 04	Capital stock.....	\$100,000 00
Suspended debt.....	43,500 00	Bills in circulation..	109,210 00
Int. on cert. of dep....	283 76	P. and loss, 20,021 17	
Real estate.....	3,765 98	Expenses, 14 81	
Protest .....	17 24		20,035 98
Sandy and N. N. Co.	8,628 71	Due to banks.....	4,018 71
Attorneys of bank....	91,334 02	Deposites on interest	34,191 54
Due by banks.....	3,233 89	Other deposits.....	5,515 87
Foreign notes.....	150 00		
Specie .....	20 46		
	<hr/>		<hr/>
	272,972 10		272,972 10
	<hr/>		<hr/>

THE STATE OF OHIO, STARK COUNTY, ss:

Before the undersigned, Mayor of the town of Canton, personally came Thomas Goodman, clerk of the Farmers' Bank of Canton, and



on his oath saith, that the foregoing is a correct statement of the condition of said bank, as he believes. January 22, 1839.

THOS. GOODMAN.

Sworn to and subscribed before me.

JNO. MYERS,  
*Mayor of the town of Canton.*

## IN SENATE,

FEBRUARY 8, 1839.

*(Extract from the Journal.)*

On motion of Mr. Tod,

The resolution in relation to printing the evidence taken by the joint select committee appointed to visit and examine the affairs of the Farmers' Bank of Canton, was taken up.

Mr. Powers moved to amend the resolution by inserting the following words after the word "evidence:" excepting the names of the debtors to the bank; on which question he called the yeas and nays—which were ordered; pending which question,

On motion of Mr. Spangler,

The resolution was recommitted to the joint select committee appointed to examine the affairs of the Farmers' Bank of Canton.

Attest,

C. J. McNULTY, *Clerk of Senate.*





## IN SENATE,

FEBRUARY 9, 1839.

---

Mr. THOMPSON, from the committee on that subject, made the following

### REPORT:

The joint select committee to which was recommitted the resolution of the Senate, calling on them to furnish certain papers and other evidence for publication, in relation to the Farmers' Bank of Canton, have had the same under consideration, and the majority of the committee report the same back without amendment, accompanied by all the papers.

*Resolved*, That the depositions and other evidence taken by the committee to investigate the affairs of the Farmers' Bank of Canton, be attached to the report of said committee and printed with it.

In compliance with the above resolution, a majority of the committee submit the papers marked M, N, O, P, Q, R, S, T, U, V, W and X. Many of these papers had been retained by the committee, for the reason that they were of but little or no benefit to the public; the substance of them having been given in the report.

A majority of the committee would respectfully remark, that notwithstanding the public have an undoubted right to these papers, yet, in their opinion, but little benefit will be derived from such an exhibition; while much injury may be done to the feelings and character of the persons who, unfortunately, are connected with this institution as debtors to the bank.

It will be recollected that the author of the above resolution, is one of the committee at whose instance and suggestion many of the papers were withheld.

Respectfully submitted.

JAS. THOMPSON,  
P. P. LOWE.

M.

*Interrogatories to John Harris, President of Bank.*

*Question.*—Does the exhibit above marked B, furnished the committee by the Canton Bank, made January 12, 1839, contain, as far as you know or believe, a true statement of the condition of the Farmers' Bank of Canton, and is the exhibit made out from the regular business books of said bank?

*Answer.*—I believe it to be a true account.

*Question as to item No. 1.*—Is item No. 1, of bills discounted, amounting to \$136,066 04, overdue; if nay, what portion is not due, and at what time does the longest credit given arrive at maturity?

*Answer.*—The notes and obligations which make up item No. 1, of \$136,066, are here exhibited to the committee, which will show for themselves; and, as they can see, the last note of M. Kingman, secured by mortgage, is due 27th April, 1843. It is proper here to remark, that the paper of M. Kingman was taken in lieu of paper originally due, and the extended time was given to obtain security, as we considered the debt extremely doubtful in its original situation, or prior to our obtaining the present paper. The amount of this paper is \$———.

N.

*Examination of Lewis Fogle, Esq., Cashier.*

*Question.*—Was you a director of the Farmers' Bank of Canton, and also cashier at the time you became indebted to said bank for the \$16,258 67, as mentioned in the list of debts due from stockholders, in item No. 1.

*Answer.*—I was.

*Question.*—At what time did the Farmers' Bank of Canton cease to redeem its notes, in any funds, and for this reason, at what time did the notes of the bank commence depreciating in value?

*Answer.*—The bank closed on the 28th day of March last. From that date the notes of the bank depreciated. I have at all times redeemed when the bank was in fund; and when I had funds of my own, have redeemed the paper at par.

*Question.*—Was the \$3000 in specie, paid to the Wooster Bank at 2½ premium, paid in discharge of a debt owing by the Canton to the Wooster Bank?

*Answer.*—It was not. It was for current Ohio funds, which funds was applied on the payment of persons who had deposits at the time the bank closed.

*Question.*—Is O. T. Browning, with whom you exchanged \$1000 in specie for Ohio bank paper, as stated in your answer in exhibit marked A, a relation of yours?

*Answer.*—Yes, a brother in-law.

*Question.*—Have you ever received, directly or indirectly, any profit or advantage from the exchange of the \$1000 of specie for Ohio funds, with O. T. Browning, or do you yet expect any, in any manner whatever?

*Answer.* I have not received any profit or advantage from the exchange, nor do I expect any.

LEWIS FOGLE, *Cashier.*

Sworn to, and subscribed before me, January 16, 1838.

JNO. MYERS, *Mayor,*

—

O.

*The examination of Daniel Dewalt, taken at the Farmers' Bank of Canton, January 16, 1838.*

*Question.*—Have you at any time within the last twelve month, directly or indirectly been engaged, at the request of any person or persons, in purchasing, exchanging, or otherwise obtaining notes on the Farmers' Bank of Canton at any discount, and if so, what amount have you obtained, what discount, by whom was you requested thus to obtain the paper, and have you any reason to believe that the person thus requesting you, was acting directly or indirectly for the bank?

*Answer.*—I have bought a great deal of Canton paper at my own request, and shaved it as hard as I could. I have shaved probably two or three thousand dollars, at an average discount of from 15 to 20 per cent. I have never been directly or indirectly requested to purchase Canton money, by any person or persons. Simon Jennings requested me to purchase said money, and he would furnish me with sufficient funds, but never did so.

*Question.*—What have you done with the Canton Bank notes thus purchased?

*Answer.*—I have expended the whole of them in purchasing notes on individuals.

*Question.*—Did you purchase notes from any of the stockholders of the Canton Bank, and if so, did you suffer a discount on the Canton Bank notes; state particularly the nature of the negotiation?

*Answer.*—I did. I did not suffer any discount on the notes sold to stockholders.

*Question.*—Did you, since the 25th April, 1838, procure from the Canton Bank, any specie, if so, state the time when, and what amount?

*Answer.*—Sometime last summer I received between twelve and fifteen hundred dollars, in specie, from the Farmers' Bank of Canton, and paid Ohio funds at an even exchange, with the understanding that it should be returned if they should want it.

*Question.*—Have you ever returned it?

*Answer.*—I have not; they never wanted it.

*Question.*—What was the difference of exchange between Ohio funds and specie, at the time you procured the specie of the Canton bank?

*Answer.*—I sold some specie at or about that time at from 5 to 7 per cent premium. I made all I could out of it.

*Question.*—Did you purchase any notes on the Farmers' Bank of Canton with this specie, and if so, what amount, and at what discount?

*Answer.*—I never bought any Canton paper with it. I bought Ohio paper.



*Question.*—Was you shaving Canton paper at the time this specie was in your possession?

*Answer.*—I am unable to say whether I was or not.

*Question.*—At the time you obtained this specie from the Canton bank, were you indebted to it, and if so, what amount, and is it still due and unpaid?

*Answer.*—I was to the amount of \$300; it is still due and unpaid. The bank is now indebted to me in the amount of \$2,100 on deposit, which deposit was made on the 3d of April, A. D., 1838.

*Question.*—Are you a stockholder in the Farmers' Bank of Canton?

*Answer.*—I am not, nor have I ever been.

DANIEL DEWALT.

Sworn to, and subscribed before me, January 16, 1839.

JNO. MYERS, *Mayor*.

---

P.

*Henry Newberry, Jr. Sworn.*

*Question.*—Have you been in the habit of doing business with and for the Canton bank as agent or dealer, for the year last past. If so, state what kind of business you have been engaged in.

*Answer.*—I have been a clerk in the bank for four years ending 4th of July last, (1838.)

*Question.*—Since July 1838, have you been solicited by the bank or any one of the officers or agents, to purchase Canton paper at a less sum than the note called for on its face. If so, state the whole transaction.

*Answer.*—I have not.

*Question.*—Have you at any time purchased Canton paper at a less amount than that which appeared on the face of the same. If so, the probable amount.

*Answer.*—I do not recollect of ever having purchased any for less than par.

HENRY NEWBERRY, Jr.

Sworn to, and subscribed before me, January 16, 1839.

JNO. MYERS, *Mayor*.

---

Q.

*Examination of William Fogle, jr., taken at the Canton Bank, on the 16th January, 1839.*

*Question.*—Are you a stockholder or director in the Farmers' Bank of Canton, and if so, how long have you been such stockholder or director?

*Answer.*—I am neither stockholder or director.

*Question.*—How long since you acted as cashier of this institution, and were you ever a stockholder or director; how long as cashier?

*Answer.*—I resigned the office of cashier on the first Monday of January, 1838, and was appointed in the fall of 1834. During that time I was

a stockholder, until 1837, when I sold my stock to my brother Lewis. I have never been a director.

*Question.*—Have you at any time within the last twelve months, directly or indirectly, been engaged at the request of any person or persons in purchasing, exchanging, or otherwise procuring notes on the Farmers' Bank of Canton at any discount, and if so, what amount have you obtained; what discount; by whom was you requested to procure the same, and have you any reason to believe that the person or persons requesting you, were acting in any manner for the bank?

*Answer.*—I have never taken any of the notes of the Farmers' Bank of Canton at any discount. I have never been engaged in purchasing them, nor have I ever been requested to procure, purchase or exchange them, by any person whatever.

*Question.*—Have you any knowledge, information, or belief, that the Canton Bank, its officers, stockholders, agents, or any other person or persons, directly or indirectly at their request, been engaged within the last 12 months in purchasing, exchanging, or otherwise procuring notes on the Farmers' Bank of Canton at a discount?

*Answer.*—I have not.

WM. FOGLE, Jr.

Sworn to, and subscribed before me, January 16, 1839.

JNO. MYERS, *Mayor*.

## R.

*Examination of the Hon. William Henry, one of the directors of the Canton Bank, taken this 15th January, 1839.*

*Question.*—Are you at this time a director of the Farmers' Bank of Canton, and if yea, how long have you acted as such?

*Answer.*—I am, and have acted as such since 1829.

*Question.*—Have you at any time within the last twelve months, directly or indirectly, been engaged yourself or through others by your request, in purchasing, exchanging, or otherwise obtaining notes on the Farmers' Bank of Canton at any discount whatever, and if yea, what amount have you thus obtained?

*Answer.*—I have not to my recollection bought or sold any bank notes on the Farmers' Bank of Canton within the time above mentioned. I received a debt of \$350 in notes on the Farmers' Bank of Canton, which had a few months to run, without allowing interest. I also received \$70 of Canton paper for which I gave my note to be paid 4 or 5 months, without interest. I have not, directly or indirectly, employed any person to purchase for myself or for the bank. I have at several times redeemed the notes of said bank at par.

*Question.*—Have you any knowledge, information, or belief, that the Farmers' Bank of Canton, as a bank, or through its officers or stockholders, have been engaged within the last twelve months, directly or indirectly, in purchasing, exchanging, or otherwise obtaining notes on said bank at any discount whatever, and if so, what amount?

*Answer.*—I have no knowledge or belief that the officers of said bank have bought any of its paper at a discount, either directly or indirectly.

*Question.*—Do you know of any efforts made by the officers of the bank to raise funds on their own responsibility, to save the bank before it stopped payment, or to enable it to redeem its credit since it stopped, and if any, what efforts do you know of.

*Answer.*—On or about the first of March last, I did with ten or eleven other directors, sign a bond made payable to G. Swan, Esq. of Columbus, for \$200,000, conditioned that he would engage to have the paper of said Farmers' Bank of Canton redeemed at Columbus, and wait with the bank one year. For particulars reference can be had to said bond, said to be in possession of said Swan at this time.

On or about the 13th day of August last, the directors of said bank gave me a power of attorney, the object of which was to endeavor to obtain a loan in New York or Philadelphia, on the individual responsibility of said directors with myself. I accordingly repaired to the cities aforesaid, but did not succeed in making a loan. I was authorized to make a loan to any amount not exceeding \$100,000.

WM. HENRY.

Sworn to, and subscribed before me on the 15th January, 1839.

JNO. MYERS, *Mayor.*

S.

*The examination of John Slusser, taken at the Farmers' Bank of Canton, on the 16th January, 1839.*

*Question.*—Are you at this time a stockholder of the Farmers' Bank of Canton, and if so, how long have you been such stockholder?

*Answer.*—I was a stockholder at and ever since the commencement of the bank, and am now. I own now ten shares in the Canton Bank, amounting to \$250.

*Question.*—Have you at any time within the last twelve months, directly or indirectly, been engaged yourself, or through any other person or persons by your request, in purchasing, exchanging, or otherwise procuring notes on the Farmers' Bank of Canton at any discount, and if yea, what amount have you procured, and at what discount?

*Answer.*—I have purchased I should judge, from one thousand to fifteen hundred dollars, at an average discount of from 12 to 15 per cent.

*Question.*—Have you any knowledge, information or belief, that the Canton Bank, its officers, stockholders, agents, or any person or persons at their request or on their behalf, have been engaged within the last twelve months, directly or indirectly, in purchasing, exchanging, or otherwise procuring notes on the Canton Bank at a discount, how much procured, and at what discount?

*Answer.*—I have not.

*Question.*—What have you done with the Canton Bank notes thus obtained?

*Answer.*—I purchased obligations on individuals, and a part I loaned at interest.

*Question.*—Are you a debtor to the Canton Bank, or have you been since 1829, and if yea, to what amount?

*Answer.*—I have borrowed of the Canton Bank since 1829, as near as my memory serves me, four hundred dollars at one time, say in 1833 or



1834. Again, in 1835 or 1836, I borrowed six hundred dollars and paid it the same year, and am not now a debtor, nor have I been since the fall of 1836. I opposed the resuscitation of the bank in 1829, and refused after it went into operation to be sworn as a director.

JOHN SLUSSER.

Sworn to, and subscribed before me, January 16, 1839.

JNO. MYERS, *Mayor*.

# T.

## List of Depositors not on Interest.

Booz M. Atherton.....	\$2 89	Lewis Vail.....	31 55
J. M. Bimler.....	476 30		
J. D. Brown.....	41 13		6,790 18
Jno. Bryan, Aud. of Ohio	100 00	J. W. Alsop, cert.....	683 78
Wm. Christmas.....	28 59	H. Griswold " .....	855 00
James Duncan.....	114 15		
Daniel Dewalt.....	2,100 00	Due depositors.....	8,330 81
William Fogle.....	57 39	Deduct overdrawn acc'ts	1,108 13
B. C. Goodwill .....	204 50		
William Henry.....	154 33	Bal. due depositors after	
William Hogg .....	13 00	deducting over drafts..	7,221 68
H. B. Harris.....	2 85		
Thomas Hartford.....	316 00	<i>Overdrawn Accounts.</i>	
R. and H. Haight & Co.	144 69		
Benjamin Jones.....	41 00	Thos. S. Bonfield.....	\$1 95
Robert Lattimer.....	12 51	Theron R. Butler.....	1 00
Jacob Myers.....	65 00	George Dewalt.....	596 60
McCully & Bro .....	135 54	Snyder & Nixon.....	1 00
— Ryan.....	1 63	John Harris .....	330 89
Wm. Rhodes.....	37 25	Tassey & Church.....	79 19
A. Sortwell.....	25 00	O. O. Brown.....	94 00
J. Sala.....	30 00	Pike & Co.....	1 00
Stow & Wetmore.....	49 93	Spear & Co.....	1 50
William Silliman .....	6 66	Petit & Dunning.....	1 00
John Shorb.....	1,487 29		
Sparford & Tillertson..	149 00		1,108 13
John Saxton.....	962 00		
			6,822 89

Attorneys of the bank.....	\$91,334 02
Deposites on interest.....	38,343 50
Other deposits.....	1,822 89

The following will show the highest amount of notes or bills (in circulation) of the Farmers' Bank of Canton, at any one time during the three years last past.

The highest circulation in July, 1836, was .....\$519,347  
 Do do March, 1837, was ..... 471,855  
 Do do Feb. 1838, was ..... 265,580

LEWIS FOGLE, *Cashier.*

Sworn to and subscribed, January 16, 1839.

JNO. MYERS, *Mayor.*

U.

*List of Deposites on interest for which certificates have issued.*

Jos. Royer.....	\$130 00	Daniel Applegate.....	506 00
Jacob Troxell.....	71 00	James Wallace.....	100 00
J. Millisuck & Co.....	843 00	A. McConnell.....	115 00
George Holmes.....	100 00	A. W. Swelland.....	30 00
N. Stump.....	600 00	A. Lowther.....	345 00
S. Denis.....	195 00	W. G. Wilson.....	188 00
John Clinton.....	90 00	Isaac Wilson.....	23 00
J. Mitchell.....	171 00	D. Kilgore & Co.....	73 00
R. T. Bicknell.....	125 00	M. Reynolds & Brothers	58 00
Lewis Spotts.....	85 00	Welch & Bennet.....	146 00
James A. Saxton.....	70 00	Geo. Van Law.....	114 00
P. Grant.....	130 00	Western Reserve Bank..	292 00
Church & Co.....	1,245 00	Pa. and Ohio Canal Co..	555 00
D. Gaskill.....	198 00	Ambrose Hart.....	165 00
A. Scott.....	176 00	James Scott.....	15 00
M. Reynolds & B.....	142 00	Alvah Hart & Co.....	39 00
E. Norton.....	65 00	Guy Wyman.....	41 00
B. Weaver.....	35 00	Church, McV. & Gordon	2,861 00
Hanna & Church.....	100 00	Bimeler, Roby & Polock	540 00
A. Dungar.....	46 00	Joseph Reed.....	1,241 00
McCully & Co.....	53 00	Minich, Nergean & Co..	137 00
C. Austin.....	35 00	John Minich.....	261 00
M. Paulmer.....	157 00	Kent & Spillman.....	18 00
James Doughty.....	190 00	Casper Kenegy.....	150 00
D. Kilgore.....	314 00	James McMillen.....	59 00
F. M. Wright.....	44 00	Thos. Drakely.....	1,342 00
J. Kauffman.....	98 00	David Gaskill.....	168 00
Kent & McMillan.....	96 00	Stephen Wisner.....	31 00
John H. Brown.....	270 00	Joseph Reed.....	328 00
James Stephenson.....	60 00	Bimeler, Roby & Pollock	385 00
Thos. James & Co.....	56 00	Griffin & Luckey.....	466 00
H. Roby.....	386 00	Hogg & Paris.....	100 00
Vincent Webb.....	15 00	A. Blickensderfer & Co	117 00
John Sharf.....	141 00	Overhatt & Gray.....	65 00
Church, McV. & Gordon	487 00	M. L. Neighbour.....	140 00

J. M. Bimeler.....	\$323 00	G. Swan.....	\$710 00
John Pfaltzgroff.....	49 00	John Smith.....	63 00
William Helman.....	305 00	John Myers.....	723 00
John Fleming.....	35 00	Joseph Kimmell.....	59 00
Anthony Shaeffer.....	15 00	Lewis R. Beeson.....	95 00
Corporation of N. Lisbon	16 00	B. S. Lee and Co.....	37 00
Peter Spicker.....	25 00	George Dewalt.....	106 00
Tr. of Centre tp. Col. co.	56 00	Philip Dewalt.....	390 00
Abraham Croxton.....	34 00	M. B. Griffith.....	10 00
James Dougherty.....	592 00	John Craighead.....	91 00
Isaac Hazlett.....	600 00	Joseph Wildon.....	190 00
Edward Swope.....	153 00	J. M. Bimeler.....	186 00
T. P. Jenkins .....	170 00	John Crooks.....	100 00
Thomas Hamond.....	28 00	James S. Dismore.....	15 00
M. and M. B'k of Wheel-		Edward Swope.....	219 00
ing.....	276 00	John C. Scott.....	62 00
Samuel Neel.....	247 00	Church, McV. & Gordon	112 00
A. W. Hicks.....	282 00	A. S. Case .....	166 00
Slevins & Phelan.....	173 00	Isaac Wilson.....	65 00
J. and J. Slevin & Co..	120 00	Jacob Myers.....	139 00
Simeon Bergen.....	60 00	Frederick Poorch.....	20 00
Hersh & Holloway.....	250 00	Church, McV. & Gordon	87 50
Church, McV. & Gordon	654 00	V. S. Buckins.....	344 00
Henry Waltman.....	70 00	J. M. Bimeler.....	98 00
Isaac Hazlett.....	241 00	Hiram Myers.....	200 00
Robert Hazlett.....	174 00	James Cooper.....	1,847 00
David Fincum.....	123 00	John Davis.....	587 00
Joseph Joslyn.....	51 00	E. T. Broughton.....	34 00
James Dougherty.....	182 00	C. Means.....	60 00
Daniel Kilgore & Co....	135 00	Thomas McCoy.....	90 00
Israel S. Lappen.....	110 00	Daniel Kilgore and Co..	51 00
David Gaskill.....	56 00	William Lee .....	90 00
James Jacobs.....	657 00	Daniel Rice.....	45 00
F. A. Schneider.....	65 00	Miles J. Wilmott.....	24 00
J. M. Bimeler.....	74 00	A. M. Clark.....	26 00
Eagleson & Alexander..	89 00	Baird and Huey .....	136 00
Church, McV. & Gordon	216 00	Lewis Moreley.....	65 00
Abraham Baer, Jr.....	53 00	A. Wilcox and Co.....	53 00
F. A. Schneider.....	68 00	Elijah P. Grant.....	100 00
John Slusser.....	262 00	Robert Dinsmore.....	57 00
Stephen Wilkin.....	23 00	Ephraim Oliphant.....	10 00
Austin and Co.....	57 00	Thomas H. Fowler.....	77 00
Potter and Quinby.....	201 00	Francis Bartley.....	83 00
Wm. H. Douglass.....	126 00	John H. Brown and Co..	143 00
Ditto .....	100 00	John Olmstead .....	70 00
Ditto .....	100 00	Thomas McCoy.....	571 00
Ditto .....	164 00	Ditto .....	717 00
W. J. and J. Holdin.....	237 00	Thomas Drakely.....	754 00



Passivant and Brother..	\$45 00	Dalzell and Fleming....	\$57 00
John Robinson.....	256 00	D. T. Morgan.....	169 00
William Marshall, Jr....	21 00	Isaac Goodin.....	44 00
John Slusser.....	115 00	Albert M. Coffin.....	32 00
George A. Dohrman....	93 00	William Dunn.....	10 00
John Myers.....	323 00	Samuel Stokely.....	135 00
Poulson Gill.....	88 00	Joseph Olds.....	214 00
Madison Reynolds.....	200 00	Samuel Hanings.....	34 00
J. M. Bimeler.....	39 00	Samuel Kimble.....	25 00
William Hawk.....	100 00		
B. Andrews .....	31 00		
			38,343 50

LEWIS FOGLE, *Cashier.*

Sworn to, January 16, 1839.

JNO. MYERS, *Mayor.*

V.

*List of Debts in the hands of Attorneys of Bank.*

Norman C. Baldwin, et al.....	\$35 00
William Thompson, et al.....	13 00
John C. Singleterry, John Singleterry, and William King	550 00
John Patton, Daniel Dewalt, and James Hazlett.....	939 83
John Yant, et al.....	13 00
Charles M. Giddings, John Harris, Sheldon Thompson and Co. et al.....	2,356 63
George M. Webb, sheriff's bond.....	53 00
William Quinby, Wheeler Lewis, and John Collins.....	784 64
Tufts & Parks, Stephen Whitacre, accepted by E. & J. Griffith and Co. New York.....	2,362 44
J. Chatfield, Daniel Clark, U. S. Bristol, accepted by J. & J. Graham.....	2,150 00
Birdsey Booth, Stow and Wetmore, and William Wetmore	2,773 76
Sherman Beck, Ogden Wetmore, Henry Wetmore, C. W. Wetmore, L. D. Wetmore and G. H. Penfield .....	3,283 49
E. W. Wright, L. Kilburn, and Hutchinson, Bingham and Co.....	3,443 00
Erastus B. Dennison, George B. Jones, Henry Wetmore, and Henry Newberry.....	1,069 71
Barstow and Co. Josiah Barber .....	3,444 68
G. A. Foster, Jabez Foster, and Norman C. Baldwin.....	4,565 99
Do do do .....	1,722 16
John E. Lyons, S. A. Baldwin, N. C. Baldwin, and S. Brainard.....	6,020 00

Bartholomew Thalhimer, B. Booth, J. Stow, O. Wetmore, and M. Thompson.....	\$20 00
J. H. Pendleton, W. Pendleton, J. Burnet, N. Pendleton, and H. Wetmore .....	6,449 85
Birdsey Booth, J. Stowe, O. Wetmore, and Bn. Thalhimer	2,640 26
T. Brainard, W. Pendleton, O. Burdick, N. Pendleton, and J. H. Pendleton.....	4,631 40
Joel Andrews, Hiram Payne, A. G. Bell and Brother, C. W. and S. D. Wetmore.....	166 00
William Rakeshaw, G. Dewalt, and L. Fogle.....	110 80
Gregory Powers.....	35 31
Benjamin Page, O. Page, ——— Knapp .....	1,715 00
William H. Withey, Augustus Ives, and Henry Newberry	310 00
Charles D. Wetmore, Seth D. Wetmore, O. B. Beebe.....	922 00
O. Brown, O. N. Brown, Edmund Munroe.....	1,563 30
Stow and Wetmore, C. W. and S. D. Wetmore, and Hy. Newberry.....	1,855 00
Wm. Wetmore, Hy. Wetmore, and O. Wetmore.....	305 00
Walter G. Oatman, Griffith, Pease and Co. and O. Bloss, accepted by Meech, Jackson and Co.....	1,440 00
Edward Wade, Horace Wilder.....	150 00
O. Wetmore, E. N. Sill, Hy. Newberry, L. Fogle, and William Fogle, Jr.....	26,000 00
Thomas Hartford, O. Metcalf, and A. Sortwell.....	6,423 00
J. D. Weston, Dwight Jarvis, and H. B. Harris .....	227 00
Ogden Wetmore, Seth D. Wetmore, and Hy. Newberry..	1,500 00
Alinson Penfield, Madison Raynolds .....	1,600 00
——— Sherwood, B. Rathbun.....	1,130 00
Johnson Hodge and Co. E. A. Barker, R. H. Lee, Eben- ezer Johnson .....	5,000 00
S. Matthews, Kimball and Haddock, Goodrich and Stebbins	2,000 00
J. H. Bostwick, S. Johnson, Nehemiah Case, et al.....	2,000 00
Benjamin Rathbun and Co.....	34,500 00
Osee Welch and Co. Robert Dawson and Co. John Rout- song, D. B. McCully, accepted by Gelston and Evans..	2,275 17
O. Welch, R. Dawson, J. V. C. Teller, A. Tufts.....	702 87
Robert Dawson and Co. M. Ayres, accepted, Gelson and Evans.....	569 00
O. Welch, R. Dawson, H. B. and C. H. Pancoast, accepted by Gelston and Evans .....	430 21
Osee Welch and others .....	6 73
William M. Folger and others.....	54 33
	<hr/>
	142,312 56

LEWIS FOGLE, *Cashier.*

Sworn to, January 16, 1839.

JNO. MYERS, *Mayor.*

*Names of persons indebted to the Farmers' Bank of Canton, not in the hands of attorneys for collection; also, the time when due.*

Name of obligor.	Date of bond.	When due.	Amount due.
1 Mon. Falls Man. Co.	Nov. 25, 1837	Nov'r 23, 1838	\$7,389 09
2 C. B. Cummings....	Dec. 13, 1836	April 13, 1837	2,075 00
3 William Henry.....	Sept. 5, 1837	Nov'r 27, do	4,118 00
4 J. P. Coulter.....	Oct. 1, 1834	Dec'r 1, 1834	1,177 00
5 Gustavus A. Foster	.....	July 26, 1840	3,638 25
6 John Laird.....	Jan'y 10, 1837	M. 10, 1837	161 33
7 John Shorb.....	Dec'r 12, 1836	Feb'y 12, 1837	8,000 00
8 Samuel Fahnestock	Dec'r 20, do	Dec'r 20, do	75 00
9 Lewis Vail. ....	Jan'y 24, 1837	May 27, do	100 00
9 George Dewalt.....	March 28, do	April 20 do	500 00
10 Thomas S. Bonfield	Jan'y 10, do	M. 10, do	71 00
11 Daniel Dewalt.....	Sept'r 5, do	Nov'r 5, do	300 00
13 Almond Sortwall....	Dec'r 13, 1836	Feb'y 13, do	285 00
14 Jacob Sala .....	Dec'r 13, 1837	April 13, 1838	520 00
15 Madison Reynolds..	Jan'y 24, do	M. 24, 1837	2,965 00
16 James Hazelett.....	Dec'r 20, 1836	Feb'y 20, do	9,421 00
17 William Christmas	May 4, 1837	July 15, do	3,312 00
18 John Shorb.....	Dec'r 13 1836	Feb'y 13, do	6,700 00
19 Lewis Fog'le.....	Oct'r 27, 1838	Nov'r 27, 1838	16,258 67
20 V. R. Kimball.....	May 29, 1835	July 29, 1835	4,500 00
21 John Harris.....	Jan'y 17, 1837	M. 17, 1837	4,900 00
22 John Saxton.....	Oct'r 16, do	Feb'y 16, 1838	1,000 00
23 John Myers.....	Jan'y 10, do	M. 10, 1837	2,750 00
24 S. Brainard.....	Jan'y 7, do	May 7, do	352 00
26 W. Silliman.....	July 5, 1836	Sept'r 5, 1836	240 00
27 John Whittiker ...	April 4, 1837	June 4, 1837	50 00
28 Robert Lattimer....	Jan'y 9, 1836	May 9, 1836	125 00
29 James Duncan.....	Dec'r 13, 1837	April 13, 1837	2,000 00
30 H. B. Harris.....	April 25, do	May 25 do	139 70
31 Alex. McCully.....	Dec'r 13, do	April 13, 1838	1,718 00
32 J. V. Teller.....	July 4, do	Sept'r 6, 1837	60 00
33 T. R. Butler.....	Sept'r 19, do	Jan'y 19, 1838	147 00
34 M. D. Wellman.....	Feb'y 6, 1838	April 6, do	197 00
35 Same .....	Jan'y 13, 1837	April 13, 1837	2,722 00
36 Arvine Wales.....	Dec'r 20, 1836	April 20, 1837	1,200 00
37 J. M. Bimeler.....	Dec'r 15, 1835	M. 15, 1836	312 00
38 Same .....	Dec'r 14, 1836	April 14, 1837	3,166 00
39 B. M. Atherton.....	August 9, 1831	Dec'r 9, 1831	9 00
25 William Rhodes....	April 24, 1837	May 12, 1837	132 00
40 M. Kingman & Co.	April 27, 1838	May 27, 1839	4,310 00



Name of obligor.	Date of bond.	When due.	Amount due.
41 M. Kingman & Co.	April 27, 1838	Oct'r 27, 1839	\$4,310 00
M. Kingman.....	do	June 1, do	6,000 00
Same .....	do	June 1, 1840	6,000 00
M. Kingman & Co.	do	May 27, do	4,310 00
M. Kingman.....	do	June 1, 1841	6,000 00
Same .....	do	June 1, 1842	6,000 00
Same .....	do	June 1, 1843	6,000 00

## X.

*Bills in circulation on 27th November, 1838.*

10,172 one-dollar bills .....	\$10,172
841 two do .....	1,682
5,576 three do .....	16,728
13,422 five do .....	67,110
882 ten do .....	8,820
574 twenty do .....	11,480
66 fifty do .....	3,300
7 one hundred dollar bills.....	700
	<hr/>
	119,992
	<hr/>

LEWIS FOGLE, *Cashier.*

FARMERS' BANK OF CANTON, *Canton, Jan. 16, 1839.*

## IN SENATE,

FEBRUARY 9, 1839.

(*Extract from the Journal.*)

Mr. Powers moved to recommit the report to the committee which reported it, with instructions to report back the amendment moved by him on yesterday, to the resolution moved by him on a former day, and which was on yesterday, while said amendment was pending, committed to said committee.

Attest,

C. J. McNULTY, *Clerk.*

---

Mr. THOMPSON, from the joint select committee on that subject, made the following report:

The joint select committee, who were instructed by the above motion of Mr. Powers, to report back the amendment pending to a former resolution, alluded to in the above motion, have had the same under consideration, and report:

In the opinion of a majority of your committee, a joint select committee cannot be instructed by either branch of the legislature alone; but all instructions to a joint committee must be by joint resolution. Therefore the chairman asks to be excused from the further consideration of the subject; and offers for adoption the following resolution:

*Resolved*, That the committee be excused from the further consideration of the subject.

JAMES THOMPSON, *Chairman.*

(U.)

*Report of the committee on schools, &c. on the petition from Clearcreek township, Warren county. February 19, 1839. By Mr. Fuller.*

The standing committee on schools and school lands, to whom had been referred the petition of James Kirby and others, citizens of Clear creek township, Warren county, praying that the school districts of said township may be restored to the same condition they were in previous to the law of March 7, 1838, have had the same under consideration, and report:

That the petitioners state in their petition, that the township of Clear creek was divided into school districts and fractional districts, previous to the passage of the act of March 7, 1838; that said districts were convenient and satisfactory to a great majority of the people; that good brick and stone school houses were erected in a large portion of said districts; that said school houses were granted to the districts on conditions, and that by the new division of the districts they will revert to the original grantor's, and cannot be sold for the benefit of the districts. The petitioners also state, that in May or June last, the trustees redistricted the township in such a manner that the school houses are thrown out of use, and the convenience and interests of the people not consulted. They therefore pray that by an act of the legislature, the districts may be restored to the same condition in which they existed previous to the passage of the aforementioned law.

The 6th section of the law of March 7, 1838, provides that the trustees of each incorporated township in this State, where the same is not already done, shall on or before the first day of June next, lay off their respective townships into school districts. And in the latter part of the same section, it is provided that the trustees shall have power at their annual meeting on the first Monday of March, annually, to make such alterations in the districts, as in their opinion the general good shall require, on the notice being given as required in the said section.

If Clear creek township had been districted previous to the first of April last, in conformity to the laws in force before that time, then in the opinion of your committee, the trustees had no legal right or authority to redistrict the township in May last. The districts could only be altered at the annual meeting in March following, and after giving the notice specified in the proviso of the 6th section of the before mentioned law. With this view of the case, your committee are fully of the opinion, that the proceedings of the trustees of Clear creek township, in redistricting the township in May last, were unauthorized by law, and are null and void. Your committee therefore believe that no legislation on the subject is necessary, and offer for adoption the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their papers.



( V. )

REPORT  
OF THE  
STANDING COMMITTEE ON BANKS AND THE CURRENCY,  
UPON SO MUCH OF THE GOVERNOR'S ANNUAL MESSAGE AS RELATES TO  
THAT SUBJECT.

*March 6, 1839—Presented by Mr. Tod.*

The standing committee upon Banks and the Currency, to which was referred so much of the annual message of the governor as relates to the currency, have had the same under consideration, and a majority of your committee beg leave to submit the following report:

That they do most heartily concur with the governor, "that a uniform and sound currency is of great and important advantage to the community"—but we are not able to concur in all the views of the executive respecting the means of obtaining or securing the same; on the contrary, they entertain the belief that much of the reasoning, as well as the premises and assumptions upon which it is founded, are unsound, unreal and deceptive; and if carried into practice must necessarily produce, sooner or later, revulsions in all the business of community, which will not be less detrimental to individual enterprise and industry than to the public in general; that in fact it would produce distress, and probably ruin to both.

Again: Your committee must dissent from the assertion of the executive, "that no country on earth has ever had such a currency as was ours under the State banks, controlled and regulated by the United States bank," if, thereby, it was intended to affirm that the paper issued by the banks during that period was intrinsically better than at the present time, or better than the currency of those countries which use the precious metals only. The same evils which pertain to a paper currency at the present time were as fully and as perfectly interwoven, and formed constituent parts of the banking system during the existence of the charter of the U. S. bank, as they are since the same capital has been managed by substantially the same bankers under a charter granted by a sister State. The evils said to be experienced, "the shock felt in our monetary affairs on the introduction of any measure into Congress," or on the adoption of a new disbursing or receiving agent by the General Government, was of the same nature as they have been found to be since the expiration of the charter granted by Congress. This all men will admit, who will

recur to the several revulsions which have been experienced since the year 1819, and terminating with the great pressure and derangement in the monetary affairs of the country, in the year 1833. It will be found that every revulsion of the money market in the United States, from the organization of the government down to the present time, has been produced by a course, of foreign trade, which has left a balance of debt in foreign countries, to be met by a drain of specie from the vaults of the American banks. To the extent that the United States bank traded in American stocks, and sold them in foreign countries, thereby diminishing the balance of debt against the United States, without removing the precious metals, and depriving the local institutions of the basis of their paper issues, it had, undoubtedly, an influence in preventing derangement and destruction. To the extent of confidence given to its bills by the pledge of the nation to receive them for public dues, it may also be said, that the notes of the corporation were better than the notes of the same institution are now—that they have nothing to sustain them but the reliance of the public upon the capital of the bank, and the good conduct of its officers under the State charter. These are the only advantages to be hereafter expected from a future bank under the auspices of the General Government, should one unfortunately be created; for they are all that can with truth be sustained in reference to the former bank.

Your committee will not dwell at length upon the evils, either real or supposed, to be apprehended from such an institution: suffice it to say, that they are of such magnitude, have been so recently and frequently experienced and exposed, that it is believed few men, not blinded by partisan zeal, or lost to their country's welfare, will seriously urge to adopt a measure of such dangerous import, and requiring the exercise of a power not given by the constitution of the United States, without presupposing that our fathers who framed it were ignorant of the force of the language employed in that sacred instrument.

The committee will most readily admit, as claimed by the executive, that "the very proposition to surrender to twenty-six State sovereignties the regulation of the *currency* of the Union, carries on its face anarchy, irregularity, and confusion." And if it be a fact that the right to grant a bank charter is a right to regulate the currency, the proposition to surrender the power to the twenty-six States, monstrous as it is in abstract and intrinsic truth, has not only been made, but practically adopted and exercised for the last forty years.

Your committee, however, are impressed with a belief that *bank notes* are not currency, in the constitutional sense of the term. They think that gold and silver are the only cur-

rency known to the fundamental law of the land; and that its regulation is solely confided to Congress, and that there is no design of surrendering the right to regulate it. We would deprecate the idea of surrendering the power to regulate the currency to any State, or to any corporation that may be created, either by a State or by the Congress of the United States. Did the committee believe that those who administer the affairs of the general government contemplated establishing as a standard any other currency than that provided by the constitution, or designed to regulate it for the federal government only, leaving to the several States to provide each for itself its own standard of value, they would be unable to find language too strong to convey their abhorrence of the design, or the alarm that would be justly excited in their bosoms by so high-handed a scheme; but the committee have seen no evidence to justify either indignation or alarm, at the conduct of those who administer the affairs of the federal government in reference to this matter. On the contrary, they are firmly convinced that the measures of finance recommended for adoption by the Government of the Union, and which have been tested by the experience of Ohio for more than thirty years without loss or inconvenience, have been found necessary, and are founded in wisdom. They believe that they are consistent with law, and that without it the credit of our country and of our business men cannot for any length of time be prosperously sustained. If evidence is asked in support of this belief, we would in general terms invite attention to the history of the past: we would call to our recollection the men of enterprise who have filled the theatre of action for the last twenty years. How many of the merchants, tradesmen and manufacturers, who have engaged in their respective and useful occupations, have survived the rude shocks incident to a disordered system of *credit currency*, at one time *contracted* to a specie standard, and anon *expanded* to the verge of explosion, and at all times subject to the least influence of the adversity its own system of rottenness was well calculated to engender. Prudence and industry have been its victims. Honesty and enterprise have been prostrated beneath its blighting influence. Ample capacity, with untiring devotion to business, has been often insufficient to secure success. An unstable and varying measure of value has put industry, honesty, capacity, and even the providential blessing of smiling health, so much at defiance, that we have often seen the honest, useful citizen go down to the grave bequeathing his helpless orphans "to the cold charities of an unfeeling world," while fortunate avarice has survived and gloated upon his hard earnings. That such scenes might and would be witnessed under any system of currency, may be admitted. That they must happen where the value of every



thing is liable to be changed fifty or an hundred per cent., by a secret and unknown change of the amount of the circulating medium, cannot be denied—because all men have seen them; and because all men know who will reflect upon the causes of the sudden rise and fall of property and public stocks, that it must be caused mainly by the sudden expansion and contraction of the quantity of whatever is made to usurp the office of money.

In examining this question, the committee have felt bound to look beyond the most apparent evils which flow from the fluctuating nature of paper currency; but they are not unmindful of the public injury occasioned by bank suspensions and failures, and the consequent depreciation of the value of their bills, though they esteem this description of losses among the lesser of its evils, but still such as cannot be prevented successfully without some measure that may tend to guard against the greater and more destructive wrongs likely to grow out of our present system of banking. Whether it were wise or not to create banking capital to the extent to which it now exists, is a question, perhaps, which may be left undetermined. Admitting, however, that it was expedient, it would seem to be consistent with prudence and a rightful exercise of power to so control its use as to prevent great public harm. With this view, your committee have contributed to the passage of such bills, during the present session of the Legislature, as they deemed expedient for that object. If no good were derivable from our banking institutions whatever, it would be deemed unwise to produce such a change in their operations as would tend suddenly to destroy or derange the relation of debtor and creditor; such a derangement would unquestionably follow a forced reduction of the amount of bills in circulation.

The present system is so intimately blended with all the credits of the State and the people—all debts having been contracted in reference to the fictitious standard—that the evils of the inflation cannot be safely remedied but by a slow and toilsome process. It was, therefore, deemed expedient, at the present session, by your committee, to advise the passage only of such measures as the public interest imperiously seemed to demand at this time. Most of the charters of our banks expire in 1843, and none before that time: consequently, ample time is afforded for the people to direct the future action of this great State upon this subject; and in their hands, your committee do most cheerfully leave it.

They will, however, remark, that it must not be overlooked that the only true standard of value is gold and silver, and that every expansion of bank paper, which increases its proportion beyond that of dollar for dollar, tends to decrease the propor-

tionate value of the paper. Specie alone is, and ever must be, the basis upon which paper depends for its value; and with this fact before us, and the past history of the trade of America, showing an annual excess of imports over exports varying, for a series of years, from \$15,000,000 to \$50,000,000 per year, that State is deplorably blind to its future welfare which does not foresee the evil, and endeavor to guard against it, before it has broken with its full force upon her.

The committee, before closing this report, feel it to be their duty to call the attention of the Senate to the measures of the present administration of the General Government intimately connected with the currency of our country. The United States, as a government, has but delegated powers; the States have, in some respects, the capacity of adverse action. If the former pursue a ruinous policy, wisdom would dictate the pursuit of such measures as would thwart the mischief.

It is with this view only that your committee feel justified in following the example of the Governor in examining and commenting upon the recommendation of the President; and though they may not be able to divest their minds of the influence of "party passion and political zeal" entirely, yet they will endeavor, as far as in their power lies, to draw rational conclusions from "statistical realities and financial truths." It is understood by your committee that "those who administer the Federal Government" recommend confining its operations to the legitimate sphere of its delegated duties; to allow of no encroachments upon the rights reserved to the States; to collect no revenue or money which is not money, and is not wanted for its own immediate use, and to prohibit its use, when thus collected, for any purpose save in payment of appropriations made by acts of Congress, and to provide such measures as will secure it against being used in the interval between collection and disbursement, and to make its use in any other manner, by any person, than in payment of lawful appropriations, a penal offence, punishable by imprisonment in a penitentiary. There is nothing in these propositions calculated to excite alarm: no encroachment—no usurpation—nothing which intimates an intent to commit sin, or to err, by doing what is wrong, or refusing to do what duty requires.

It is believed that every attempt to exercise a power not delegated to the Federal Government is dangerous to the cause of liberty; and the committee could not witness the attempt to collect an amount of money not needed for the fiscal operations of the Union, without feeling alarm.

It is equally manifest that any attempt to establish a currency, differing in value at different periods and places within the Union, would be an abuse of the delegated power. The object of col-

lecting any public revenue is to enable the Government honestly to discharge its liabilities. So long as mankind remain pure and uncorrupted, so long will their moral sense of right and wrong receive a violent shock by every attempt to defraud the public creditor by palming upon him, as payment, that which is of less value than his just demand. It is not right, then, on the part of the General Government, to receive bank notes, of varying and fluctuating value, for public dues, but is wrong, and will so remain until the fundamental principles of justice shall become entirely subverted; nor can the committee admit the right of the Congress of the United States to grant to any private person or corporation the privilege to use the money collected and paid into the Treasury of the United States for purposes of private or individual profit and gain: they, therefore, concur in that feature of the recommendation of the President of the United States which proposes to prohibit it, and to provide a punishment for those who may wantonly violate the prohibition. Nor can they see cause for alarm and of apprehension of ruin to the business of this State, or to its credit.

The same plan has been usefully employed by Ohio for a long series of years; and it would be disparaging to the wisdom and patriotism of the able men under whose auspices this State, in less than half a century, has been reduced from a state of savage wilderness to the prosperous abode of civilized life—of science, intelligence, and patriotism, to imagine that they would, for so long a period, have tolerated the plan if capable of producing the ruin that seems to be anticipated by the Governor.

In any point of view, the committee cannot take a distinction between the granting of the use of the public funds to a county or State treasurer, for the purposes of benefit, and the granting of it to a corporation; nor can they see a reason for indulging in the use of *national* funds, which does not with equal propriety apply to the funds of our State. If objections were wanted to defeat and put down such a principle in Ohio, the committee would not be under the necessity of taxing their fancy to conjecture possible results. They would rely upon stubborn and well attested facts gleaned from the experience of the past and present day. Scarce a year has rolled over our heads since (in the proudest moment of financial prosperity ever witnessed in America) we saw the operations of this powerful government brought to a stand with millions in its treasury drawn from the industry of our people, but without a dollar to meet its most pressing demands. In the short space of the few past months, we have another and another evidence that the use of public funds by private individuals has had the effect to rob the public of its treasure, and to corrupt and to ruin the men who, but for this bad



feature in the financial system of the General Government, might have lived as virtuous, useful citizens, and died leaving an honest fame.

Had the President of the United States overlooked the facts thus briefly alluded to, and pursued a system which has produced so many fatal results, without any effort to arouse the lawgivers of the nation to the necessity of substantial reformation, your committee would have felt and believed that it furnished evidence of either such imbecility of mind or reckless disregard of the general welfare, as would have called for the untiring exertions of every lover of his country to remove him from power, and place another in his stead. Unless the committee, from "statistical realities and financial truths," have drawn unsound conclusions, it is the duty of the representatives of Ohio to so order her legislation as to advance the system of reformation recommended by the President for adoption by the General Government—your committee believing that a "better text book to accomplish" the system of finance designed by the framers of the constitution of the United States, cannot be devised.

Before closing this report, your committee cannot forego expressing the proud satisfaction they enjoy in constituting the first standing committee of either branch of the General Assembly of Ohio, composed entirely of her native born sons. They have ever witnessed her rapid progress in wealth and science as a child does the prosperity of a parent, and ardently pray that her future prosperity may exceed the fondest expectations of her most ardent friends.

In conclusion, your committee ask to be discharged from the further consideration of the subject submitted to them.

DAVID TOD,  
GEO. W. HOLMES.

---

(W.)

*Report of the committee on canals in relation to the Mad River Feeder.  
March 11, 1839. By Mr. Matthews.*

The standing committee on canals, to whom was referred sundry petitions of the citizens of this State, praying the legislature "to adopt such measures as will prevent the further prosecution of the Mad River Feeder," have had that subject under consideration, and now submit the following report:

The committee have no information upon this subject, except what is contained in the petitions, and the report of the canal commissioners in reply to a resolution passed at the present ses-

sion, containing interrogatories in reference to said work. From these, the committee have been led to the conclusion that it would be inexpedient, and derogatory to the interests of the State to grant the prayer of the petitioners, and that any damage which may result to individuals from the construction of said feeder, can be assessed and paid as in other cases: Believing that the papers themselves which have been submitted for the inspection of the committee, will be more satisfactory, and more conclusive to those concerned, than any argument which your committee could urge, they herewith submit and attach a copy of the petitions marked A, and a copy of the report of the canal commissioners marked B, and recommend that the further consideration of the subject be indefinitely postponed, and that the petitioners have leave to withdraw their petitions.

A.

*To the Senate and House of Representatives of the State of Ohio, in General Assembly convened:*

The memorial of the undersigned citizens of the State of Ohio, respectfully represents, That the canal commissioners have located and are about putting under contract, a feeder canal, so as to take the water out of Mad river, a short distance below West Liberty, in Logan county, and connect the same with the Miami canal, North of Piqua, in Miami county. The quantity of water required for such a feeder will, your memorialists believe, nearly, if not entirely drain Mad river, and destroy the numerous mill powers on the river below the point where the water will be taken out, for a distance of twenty miles or more. It is estimated, that there is about seventy milling and manufacturing establishments, between the point where the water will be taken out, and the mouth of Mad river; all these will be seriously affected, and many of them rendered useless by the construction of the proposed feeder. Your memorialists believe that there can be no advantage derived from the construction of the proposed feeder, that will be equivalent to that which is now derived from the numerous mill sites on the river.

You memorialists would further represent, that there is no stream in that section of country, which lies between West Liberty and the mouth of Buck creek, that would afford water power sufficient to supply the wants of the country: That the greatest advantage possessed by the Mad river valley, is the facility afforded for milling and manufacturing, If the proposed feeder is constructed, it will entirely destroy this great advantage, for many miles along the Mad river, and injuriously affect the value of land along its borders.

Your memorialists, therefore, ask the adoption by your honorable bodies, of such measures as will prevent the further prosecution of the work on the proposed feeder, and thus prevent the rights and interests of the people of a large section of country, from being encroached upon, to subserve the interests of a few individuals, and your memorialists, as in duty bound, will ever pray, &c.

CANAL COMMISSIONERS' OFFICE,  
COLUMBUS, January 24, 1839.

*To the Hon. House of Representatives of the State of Ohio.*

The Board of Canal Commissioners herewith submit their report in answer to a resolution of the House, of the 24th inst., requiring answers to the following interrogatories:

"Resolved, That the canal commissioners present to the House of Representatives, as early as practicable, answers to the following interrogatories:

"1st. In what point in Logan county or Champaign, is it contemplated to take a feeder from Mad river, for the supply of water to the Miami canal extended?

"2d. Is it designed to take the whole of the stream at that point; and what is the discharge of the river in cubic feet per minute at that point, and at any other points not exceeding fifteen miles; or what is the relative discharge at the place of taking the feeder, when compared with the discharge at any other points where the discharge has heretofore been gauged?

"3d. Why is it necessary or desirable to take a feeder from Mad river at the place selected?

"4th. Is there any other plan upon which the summit level of the canal could be supplied with water; and if so, what would be the difference of cost between that other plan, and the one now adopted?

"5th. To what extent would the hydraulic power of Mad river be affected by the abstraction of the quantity of water contemplated by this feeder?

"6th. Can an adequate compensation be made to those interested in the hydraulic power upon Mad river, for the loss of this portion of that river, and in what manner?

"7th. What is the length of said feeder, the number of locks contemplated to be constructed on said feeder; and how much the State has expended on the same?

"8th. Whether the Miami canal extended cannot be supplied by water from the great Miami river, and whether the canal commissioners did not at one time, and so report to the legislature, that the water of the Great Miami would be sufficient for the purpose of feeding said canal with water?"

*Answer to first interrogatory.*—It is designed to take the feeder at a point  $3\frac{1}{2}$  miles below the town of West Liberty.

*Answer to second interrogatory.*—It is designed to take the whole of Mad river at that point. The discharge of the river there, was 750 cubic feet per minute, when gauged in 1835, at a time of very low water. There are only two other points at which that stream has been gauged, one immediately below the mouth of King's creek, between 8 and 10 miles below the point at which it is proposed to take the feeder, and the other near the mouth of the river. At the first named point, the water was gauged at the time of lowest water in 1823, by Alfred Kelley, Esq. then an acting commissioner, aided by one of the members of the present board, then an engineer in the service of the State. The discharge then,



as stated in the second annual report of the board of canal commissioners, was found to be 6000 cubic feet per minute, or eight times the quantity found at the point  $3\frac{1}{2}$  miles below West Liberty, in 1835. The gaugings at Dayton have been frequently repeated in different seasons, and the river found to discharge from 15,000 to 18,000 cubic feet per minute, in times of lowest water in ordinary seasons. At one time, however, the discharge at that place was reduced to 6000 cubic feet per minute. This was in the fall of 1830, a season remarkable for the unusual depression of the permanent streams in that part of the State, even more so than the year 1838. It is believed that the admeasurement of this stream at the four following named points, Dayton, mouth of Buck creek, mouth of King's creek, and the point of taking the feeder, taken simultaneously, in time of lowest water of ordinary seasons, would result in giving to the first, a discharge of 15,000 cubic feet; the second 12,000, the third 6,000, and the fourth, 750 cubic feet per minute.

*Answer to third interrogatory.*—Previous to ascertaining that it was practicable to take a feeder from Mad river to the Miami valley at this point, it had been in contemplation to supply the deficiency of water in the Miami river, in part, by means of three reservoirs to be located on the waters of Loramies creek. To adopt the sites for these reservoirs to the object for which they were designed, it would have been necessary to cut the canal on the dividing ridge between the waters of Lake Erie and those of the Ohio river, to a depth of 20 feet. The whole of this summit cut is in a low marshy piece of ground, and, as was then apprehended, proves to be of a character very unfavorable, upon which to construct and maintain a canal of so great a depth. At the depth of only 8 feet, sand and water are encountered to an extent calculated to impede the progress of the work, in the construction of the canal to the depth of 12 feet, as designed with reference to the plan now adopted. When the former was changed for the present plan, it was claimed that a sum very nearly sufficient to construct the Mad river feeder and render it navigable, would be saved by dispensing with these reservoirs, and reducing the summit cut from 20 to 12 feet. Subsequent experience proves that this comparative estimate was well founded. An additional difficulty would be found in attempting to sustain navigation through so deep a cut, on account of the substratum of quick or flowing sand, which would be more seriously objectionable, as a permanent charge for repairs, than even the first great cost of the work. From these facts, it will be inferred why it was *desirable* to take a feeder from Mad river. The additional fact, that there has been expended on the summit level of this canal, and the Miami or Sydney feeder, one entire level of 36 miles, the sum of \$200,000, the whole of which would be lost if this feeder should be abandoned and the plan of resorting to the reservoirs again adopted, will show the necessity of adhering to the present plan. The fact should not be overlooked, that the construction of this feeder will add 20 miles of navigation to the Miami canal, and furnish the valley of Mad river with an easy and cheap communication with both the Ohio river and a lake market; and by the extension of only  $3\frac{1}{2}$  miles, would afford a connection with the Lake Erie and Mad river railroad.

*Answer to 4th interrogatory.* There is no other plan known to the board by which the summit level of the Miami canal can be supplied with water, than the two named; and the difference of cost on these two plans cannot now be very accurately estimated; it cannot, however, be materially less than the amount already expended on the summit level of

the Miami canal, which has been stated to be not less than \$200,000 in the answer to the 3d interrogatory,

*Answer to 5th interrogatory.*—At the time the stream was gauged in 1823, the whole water power below the feeder was sufficient to propel near 700 pairs of 4½ feet mill stones, if it were applied on breast or overshot wheels in regular divisions of 10 feet fall at each mill site. Taking the whole of the river where contemplated, would reduce this nearly 10 per cent. By the admeasurement in 1830, however, the unexampled depression of that year would reduce it to probably 380 mill stones, and the loss in any year of equal depression would then be a little over one-sixth of the whole power. All these estimates and comparisons are based on the assumption that the water would be used on overshot or breast wheels in regular falls of 10 feet each; whereas, the manner of applying the water power to mills along that stream is almost universally by means of reaction wheels with 4 to 6 feet available fall; and the quantity of water used from 2600 to 3000 cubic feet per minute for each run of stones. The greatest loss that could therefore accrue in very nearly every case of a mill now in use, could not exceed much one-third of a power for a mill stone, and generally not one-fourth. There are a few instances where the fall occupied amounts to considerably more than above stated; but there is not a single case of a mill on this river between the contemplated feeder and the upper level of the Miami canal in Dayton, where the quantity of water which will be abstracted by means of the feeder, would propel one 4½ feet mill stone, grinding at the rate of 5 bushels of wheat per hour.

*Answer to 6th interrogatory.* Adequate compensation can be made to individuals owning mills, by direct assessment and payment of the damages each may sustain in the same manner that damages are now assessed and paid. All claims for real or imaginary losses which the community having an interest in the general prosperity of the Mad river valley might be disposed to set up, could only be compensated by extending canal navigation along the valley as far as such navigation could be rendered useful as a means of transportation. It is believed that the people generally, along that portion of the valley of Mad river, which will really be deprived of a large proportion of its water power, the first 10 miles below the navigable feeder, make no objection to the abstraction of the water, because they have in the prospect of canal navigation, which the feeder and Urbana canal will afford, ample remuneration for the loss of the water power, to all who do not possess mill privileges. The water power taken from Mad river will be transferred to the valley of Stoney creek, where it may be used to much advantage in a district where water power is much needed.

*Answer to 7th interrogatory.* The length of the feeder will be 21 miles; and the number of locks, 12 to 14. No money has yet been expended on this feeder, but it will be seen by answer to question 3, that \$200,000 have been expended in the excavation of the canal on a level which requires this feeder to complete the supply of water.

*Answer to 8th interrogatory.*—The water of the Great Miami would not be sufficient to supply the Miami canal; nor has it ever been so stated in a report of the canal commissioners.

By order of the board.

S. DODGE, *President.*

(X.)

*Report of the standing committee on the Penitentiary. March 13, 1839.  
By Mr. Stadden.*

The standing committee on the penitentiary, to which was referred so much of the Governor's message as relates to that institution, and also sundry memorials from different parts of the state, have had the matters referred to them under consideration, and ask leave to report:

Your committee learn from the report of the warden, made to the directors of the prison, on the 12th day of December, 1838, that the number of convicts in confinement on the 30th day of November last, was 443; that the receipts and earnings of the penitentiary for the year ending on that day, was \$51,193 06. It appears from the same report, that the expense of the institution for the same time (exclusive of the charges for prosecuting and transporting convicts,) were \$27,743 93 $\frac{1}{2}$ , showing a revenue to the state of \$23,449 12 $\frac{1}{2}$ ; besides the work done by convicts in the erection of additional work-shops, &c. amounting to 8,556 days, as appears from the same report.

Your committee have carefully examined the books and vouchers of the institution, and find them all correct; the various items of expenditures set forth in the report referred to, are fully sustained by the books and corroborated by vouchers properly signed and filed in the office of the prison. The items consist of the salaries of officers, guards, provisions, clothing, raw materials, &c. for the use of the prison. In all the expenditures, in behalf of the institution, the greatest care and economy seems to have been practised, and the interest of the state carefully watched over and consulted.

The executive of the state, in his inaugural address to the present general assembly, says, "many of the mechanics of our state complain of the direction which has been given to the labor of convicts in our state penitentiary; that it has destroyed or greatly injured their business, and that they are unable to enter the field of competition with the state; that the labor of the convicts should be so directed to affect the least injuriously this highly respectable and valuable portion of our fellow-citizens. A great state, instead of becoming a competitor, should encourage and protect her manufacturers."

Various petitions have been referred to your committee during the present session of the legislature, from Cincinnati, Wooster and Circleville; some praying for the abolishment of certain mechanical branches in the penitentiary, others that *all* mechanical business usually carried on in the state be abolished in the prison;



by many of the petitions, special reference is had to the manufacturing of saddle-trees, and to the system at present pursued, of contracting with individuals for the labor of a portion of the convicts. The policy adopted by the officers of the prison, is, to contract with individuals for the labor of such a portion of the convicts as cannot be otherwise employed profitable to the state, to be employed at certain specified work selected by the directors and warden of the prison.

Under this system we learn that there are at present the following branches of mechanism carried on, with the number of prisoners attached to each:

Shoemaking, - - - - -	-	-	-	-	-	24
Tailoring, - - - - -	-	-	-	-	-	19
Coopering and bucket making, - - - - -	-	-	-	-	-	70
Saddletree making, 40; making hames, 8,	}	Hayden & Co's contract.	}			48
Manufacturing stirrups, bridle-bits and buckles,						32
Smith work for the above objects,						22
Weaving coach lace, webbing and fringe,						21
Making corn brooms, - - - - -	-	-	-	-	-	9
						<hr/> 245

*Employed directly for the State.*

At stone cutting, - - - - -	-	-	-	-	-	62
" Carpenter and joiner work, - - - - -	-	-	-	-	-	19
" Smith work, - - - - -	-	-	-	-	-	10
" Tailoring, (for convicts,) including 4 female,	-	-	-	-	-	11
" Shoemaking, (for convicts' wear,) - - - - -	-	-	-	-	-	4
" Coopering for the use of the prison, - - - - -	-	-	-	-	-	2
" Cooking, baking and washing, - - - - -	-	-	-	-	-	13
" Sweeping in cells and halls, - - - - -	-	-	-	-	-	7
" Breaking stone, - - - - -	-	-	-	-	-	6
" Work with teams belonging to the prison, - - - - -	-	-	-	-	-	4
" Chopping wood and cleaning prison yard, - - - - -	-	-	-	-	-	42
Sick and invalids, - - - - -	-	-	-	-	-	17
						<hr/> 197
						<hr/> 442
Total in the prison, - - - - -	-	-	-	-	-	

It appears that a contract was entered into with P. Hayden and company, on the 10th day of June, 1835, to continue five years from and after the first day of October, 1835, for the employment of not to exceed one hundred, to carry on the business of saddle-tree and hame making, coach and harness plating; and on the 30th

day of September, 1836, a supplementary contract was entered into, by the same parties, increasing the number of men, to not exceeding two hundred, and that the manufacture of sacks, shovels, and men's silk hats, should be authorized in addition to the contract before mentioned.

Other contracts, as the number of convicts have increased, have been entered into, as follows:

With M'Coy, Work & M'Coy, for shoemaking, for the term of three years from the first day of December, 1837; the number of men not to exceed twenty-five.

With Johnson & Burdell, for tailoring, for the term of five years from the 15th day of June, 1837; the number of men not to exceed twenty.

With J. O. B. Renicks, for making corn brooms, for the term of five years from the 6th day of June, 1838; the number of men not to exceed fifteen.

Your committee fully concur with the views expressed by the executive on this subject, that the labor of the convicts should be so directed as to affect the least injuriously the mechanics of our State. The laws governing the penitentiary makes it the duty of the warden to employ the convicts at hard labor in such manner as he may deem most conducive to the interest of the State, under such rules and regulation as the directors thereof may from time to time prescribe.

Your committee have bestowed upon this subject all the care and attention that their situation would permit, and have not been able to discover any thing in the present system that calls for legislative interference. Under our old system large appropriations were annually called for, and required for the support of criminals in the penitentiary. The number of convicts has been and is still on the increase, and with the increase of convicts the appropriations for the support would necessarily increase under that system; to return, therefore, to our old penitentiary system, in the opinion of you committee, would be to levy a direct tax upon the people of the State for its support. The present system has never been fully tested, and the anticipations of its warmest friends have been more than realized, instead of requiring annual appropriations for its support; the institution is and may continue to yield a handsome revenue to the State, and instead of increase it will tend to lessen the taxes of the people.

In selecting the branches of labor to which the convicts in the penitentiary should be employed it ought to be of the greatest consideration to avoid to the greatest possible extent injurious competition with the free labor of our State. This great and desirable object your committee fully believe has not been lost sight of by the present officers of the prison.

If the convicts are to be employed at all in the penitentiary, a great portion must necessarily be employed at mechanical branches of *some* kind. To abandon the present system of contracting a portion of the labor of the convicts, would be to make the State the sole operator; in such case a large amount of money must be invested in the purchase of materials, (causing a direct appropriation from the treasury)—extensive debts would necessarily be contracted in vending the articles manufactured, and certain and heavy loss to the State would follow.

To return to the old system with the number of convicts now in the penitentiary, would not, in the opinion of your committee, at all remove, but on the contrary, will increase the difficulties, and dangers complained of by the mechanics,—if the same number of men were kept employed, a similar amount of goods could be manufactured. But the great advantage of individual enterprise in connection with the institution would be lost. No particular interest could be advanced if the work should be badly manufactured, or sold at reduced prices, both of which would be the result to change the present system.

Your committee are not of the opinion that *too much* labor is now done in our State. In support of this assertion, we refer to the importation of almost every species of manufactured articles. We are advised, and believe, that there is a full demand, and at fair prices, for every variety of work manufactured, both in the penitentiary, and other parts of our State.

And in regard to the manufacturing of saddletrees, the article most complained of, your committee are informed the demand at present at the prison is far beyond the abilities of the contractors to supply. No species of labor can be done in the prison but may be done out of it. Then to exclude by law any *one* branch, would be in effect to exclude the mechanical labor of every kind carried on in the prison by the convicts; for each profession would claim the same right and favor of the hands of the Legislature. We therefore, offer for adoption, the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject.

---

(Y.)

*Report of the committee on Colleges and Universities, on the petition of the trustees of Franklin College, in the county of Harrison. March 14, 1838. By Mr. Stokely.*

The committee on Colleges and Universities, to whom was referred the petition of the trustees of Franklin College, ask leave to report:

This College is located in a portion of the State, that is not even pro-



vided with Seminaries of learning; was founded entirely on individual enterprize and liberality, and has hitherto been sustained by its friends, from their own resources. More than one hundred and thirty young men have, during the past year, enjoyed the benefits of a collegiate course at this institution; and from the judicious course pursued, and the system adopted by its trustees and professors, in the administration of its affairs, your committee are convinced that much good has been done, and great benefits derived from its operations. And although they are unsustained by any endowment, or special patronage from the public, the trustees have recently enlarged their accommodations for students, by erecting commodious and permanent buildings, the purchase of philosophical apparatus, a small library, &c. They are using every exertion, and have incurred considerable expense, in advancing and increasing the means of useful instruction. They have recently founded, in addition to the other departments of classical literature, a professorship of preceptorial instruction, the object of which is, to contribute directly, to remedy the general and acknowledged defect throughout every part of our country, of competent and qualified teachers for our common schools. This additional professorship, so desirable and necessary in the present incipient stage of our common school system, has considerably augmented the expenses of the institution, hitherto sustained by individual donations and tuition fees: So that the Board of Trustees, in their anxiety and efforts to aid the great cause of general education, to encourage and accommodate those young men who are desirous of devoting themselves to the patriotic purpose of teaching in common schools, have incurred debts which embarrass their operations.

In addition to the particular claims of this institution, your committee take this opportunity to express their approbation of the course pursued by the trustees of this institution, in the establishment of a department for preceptorial instruction. The limits of this report will not permit them to dwell upon the utility and importance of professorships of this kind; neither do they believe that it is necessary. It is now almost universally admitted, that to teach correctly and successfully, is a separate and distinct branch of education, and as such, should receive particular attention. To teach others well, a great variety of acquired information is indispensable, in the person who assumes this important and responsible station. From the extent and perfection of his own knowledge, he acquires that variety of illustration, facility of comparison, of those rich resources, which are so admirable an auxiliary in the art of instruction; and it is evident, that this fund of information is a peculiar advantage to the teacher, and always applicable, in imparting instruction with certainty and success, in the most common and ordinary branches of education. As a remedy for the most apparent defect, in our common school system, and as the most approved means of carrying it into complete operation and effect, and elevating our common schools to that point of perfection, to which every true friend of his country would desire to see them brought, your committee are of opinion, that a class of competent instructors should be provided, of high, varied attainments, and peculiarly prepared for their task, and fitted for the particular province of imparting instruction. We

would wish to add weight of character to admitted capacity; and bring both to bear upon the high and responsible duties assigned them. It is an indisputable truth in political economy, that the foundation of every free government, is based upon the virtue and intelligence of the people; the broader and deeper the principles of morality, the cements of education laid and diffused among the people, the more secure will be the fair fabric of our free institutions. It follows then, as a corollary, that those who are appointed and depended upon, to impart and disseminate these principles among the rising generation, who are to be the future electors and legislators of our country, should, by their talents and acquirements, be placed in a position in society, which will secure to them the respect and the gratitude of all classes of the community. On this subject it would be pleasant, but unnecessary to dilate; we believe all are convinced; all are anxious to contribute to this result—no less evident, than desirable. The only inquiry is, how is this object to be attained? Your committee believe, that the most unexceptionable and expeditious mode, at present, within the power of the legislature, will be, by suitable and proper aid, to foster and encourage these literary institutions of the State, already established by law, and in which, professorships of preceptorial instruction, or Normal Schools, are, or may hereafter be founded. Most of the literary institutions of this State, are the production of individual enterprize, and private liberality; have forced themselves into notice by their own energies, and are sustained by their friends and their tuition fees. They are generally well situated for health and salubrity, invite by their present advantages, the youth of the adjacent country, to acquire and enjoy the benefits of a liberal education, on easy and economical terms; and by their very existence, prove the propriety of their location. We believe, that by the aid of legislative encouragement, judiciously applied, teachers for common schools may be prepared and qualified in these institutions, with ease and facility, and without increasing materially the liabilities of the State. Your committee feel the pressure of the public debt, and are fully aware of the anxiety of the people to lessen the burden of taxation, incurred by the gigantic and unparalleled strides this young State has made, in her extended internal improvement system. But it has now been ascertained, that the common school system, as organized and arranged at the last session of the legislature, shall, in its main features be continued, and its benefits perpetuated to posterity. It is then, an enlightened economy, to make the annual expenditure on this noble object, as extensive and beneficial as possible. From the able report of the superintendent of common schools, laid on our tables a few days since, it is ascertained, that there is a lamentable deficiency in the number, capacity and qualification of common school teachers. This, then, is the defect that ought first to be remedied. "But one-half of those engaged in teaching, are even tolerably qualified for the business." When it is known that 6,000 teachers are required at present, to put in complete operation our common schools, as they are now established, and provided for by law, and that but half of this number are at all qualified for that high and responsible duty, no other argument is needed to enforce the propriety and necessity, at once, and by all the means in our power, to

provide a sufficient number to elevate the character, and increase the ability of the teachers of common schools. In several of the States in which common schools have acquired a high and useful character, provision has been made by law, for this object. We concur in opinion with the superintendent of common schools, "that the interest of the people demands some provision for the preparation of teachers." As an experiment of one plan to furnish this provision, and supply this demand, and as an encouragement to the several Colleges and Universities in this State, to establish a department of preceptorial instruction for the benefit and education of those young men who are willing to qualify themselves as teachers of common schools, and devote themselves to that business as a profession, your committee report the following resolution:

*Resolved by the Senate and House of Representatives of the State of Ohio,* That the sum of five hundred dollars be and the same is hereby appropriated to and for the benefit of Franklin College, in the county of Harrison, to be paid to the order of the board of trustees of that institution, out of any money in the treasury not otherwise appropriated, for the purpose of aiding the preceptorial department of said college.

---

(Z.)

*Report of the committee on the Judiciary, on the petition of S. B. Spear for a divorce from his wife. Dec. 15, 1838. By Mr. Tod.*

The Standing Committee on the Judiciary, to whom was referred the petition (and accompanying papers) of Samuel B. Spear for a divorce from his wife Lucy D. Spear, have examined and duly considered the same, and report:

That the petitioner in substance represents, that the parties were married on the 10th day of May, 1836—that they lived together *in form* as man and wife about six months, when the said Lucy left the petitioner and entered a Catholic school in the State of Kentucky—that on the night of the marriage, and always after, she utterly refused to conform to the duties of a wife; refusing all sexual intercourse, and showing an aversion towards him; accounted for only on the presumption that her *heart* did not accompany her hand in the contract of marriage—that the petitioner during said period of six months exerted himself to his utmost, and caused his friends also to intercede for him, to induce the defendant to yield to his desires by placing herself *under* his control; but without effect—and that consequently there has never been a consummation of said contract, and that he has now abandoned all hope of accomplishing his desires *in the premises*:

The evidence accompanying the petition is—



1. The affidavit of the petitioner—that the statements made in the petition are true.

2. A letter from the defendant addressed to the petitioner, written at the time she left home for Kentucky. The only evidence in the opinion of your committee which this letter furnishes, tending to enlighten us upon the subject, may be found in the following extract:—

“Farewell! though husband of my youth,  
 “We now for ever more must part!  
 “I loved thee not, to tell the truth,  
 “No! thou never had my heart!!

“I know you will more happy be  
 “When I am gone away,  
 “I often will remember thee,  
 “And pray for thee from day to day.”

3. The deposition of Martha Barrett.—Witness is the mother of Lucy—was at the marriage—that so far as she was able to judge the marriage was never consummated according to the laws of nature—that they lived together for about six months—and, in the opinion of witness, during *all* that time, the real *essence* of the marriage contract was not complied with—that at the expiration of said term, Lucy, by the advice of a mutual friend, left for Kentucky to “resume her studies”—that the petitioner has at all times conducted himself towards the said Lucy in a *prudent* manner—and that the parties resided in Cincinnati.

4. The depositions of Oliver Lovell and Rhoda Kemper.—These two witnesses corroborate the testimony of Mrs. Barrett, and nothing more.

5. The petition of Daniel Stagg, and forty-seven other male citizens, praying for the divorce.

It further appears in evidence that the petitioner is now about 26 years of age, and Lucy about 18.

Such being the state of the case your committee are of opinion—

1. That the evidence is not sufficient to establish the truth of so improbable a state of facts as those relied upon by the petitioner.

2. That if true, there being no substantial cause of disagreement between the parties, there is yet reason to hope, that by well directed efforts on the part of the petitioner, the said Lucy may yet be “sued and won,” and induced to relinquish her studies and yield obedience to the reasonable demands of her husband.

Your committee have less hesitation in coming to these con-

clusions, from the fact, that this same matter was at the last session of this body referred to a committee *eminently* qualified to adjudicate upon the same, who came to a similar conclusion. Their report, to which the committee beg leave to refer the Senate, may be found in Senate Journal of 1837-38, page 490.

Your committee therefore recommend the adoption of the following resolution:—

*Resolved*, That the committee be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his petition.





## INDEX TO THE SENATE JOURNAL.

---

### [ A ]

- Auditor of State, annual report of, 12.37  
special report of, in relation to his contingent fund, 32  
expenditures of the militia system, 185  
issue of small bills by the Ohio banks, 205  
election of, 296  
communication from, in answer to a resolution of the  
senate in relation to the names of towns and town-  
ships in the State, 469  
communication from, in relation to the state of the  
finances, 476  
Adjutant general, communication from, 59  
Absentees excused, 244.387  
Appeal from the decision of the Speaker taken by Mr. Green, 383  
Absence, leave of, granted to Mr. Powers, 484  
asked and refused to Mr. Craighill, 523  
Associate judges, (see elections.)

### [ B ]

- Board of public works, appointment of, 502.510.511.539  
Board of bank commissioners, appointment of, 521.522.551

## BILLS OF THE SENATE.

### (AMENDATORY ACTS.)

- To amend the act incorporating the town of Wilmington, in the coun-  
ty of Clinton, 14.18.19.23.24.53  
revive and amend the act incorporating the Circleville and Wash-  
ington turnpike company, 18.23.54.56.64.65.77.81.228.239.394.  
414  
amend the act allowing and regulating writs of attachment before  
justices of the peace, 52.55.70.72.98.100.124

# **BILLS OF THE SENATE—Continued.**

To amend the act incorporating the emigrants friend society of Cincinnati, 90.92.161.219.231.394.431.453.466

to provide for the proof, acknowledgment and recording of deeds, and other instruments of writing, 100.106

incorporating the Greenville, New Madison and New Paris turnpike company, 123.131.192.198.351

incorporating the Mansfield and New Haven railroad company, 124.131.169.177.182.351

incorporating the town of Portsmouth, in the county of Scioto, 133.137.170.173.270

authorizing the corporations therein named to grant licenses, &c., 163.167.266.270.279.413

defining the duties of supervisors of roads and highways, 167.173.189.342.630

for the prevention of certain immoral practices, 175.178.325.326

passed 17th March, 1838, establishing a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, in Crawford county, and establishing a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county, 196.202.331.336.338.342.482

incorporating the town of Xenia, in the county of Green, 240.246.414.415.416.423.432.569

incorporating the town of Fairfield, in the county of Green, 240.246.415

for opening and securing the navigation of the Scioto river, 252.258.423.432.520

incorporating the Portsmouth and Hanging Rock turnpike company, 278.286.453.465.552

to provide for the taking of depositions, 278.286.453.454

incorporating the Cincinnati and White-water canal company, 281.287.454.465.552

authorizing the making of indexes to the judicial records in the county of Hamilton, &c., 292.302.460.466.552

incorporating and establishing the city of Cincinnati, &c., 295.302.460.466.569

regulating the times of holding the judicial courts, 305.309.585

incorporating the village of Middlebury, in the county of Portage, 310.320.470.474.569

incorporating the Hamilton, Springfield and Carthage turnpike company, 327.335.471.474.601.603

incorporating the Steubenville, Cadiz and Cambridge McAdamized road company, 330.335.471.474.569

**BILLS OF THE SENATE—Continued.**

- To amend the act incorporating the Ripley and Hillsborough turnpike road, and for other purposes, 337.341.471.  
474.569
- Dayton and Bellefontaine turnpike company, 338.341.477.488.602
- first presbyterian church of Washington, in Fayette county, 341.347.477.488.602
- establishing a state road in the counties of Columbi-  
ana and Carroll, 346.357.477.488.602
- prescribing the duties of county auditors, 355.368.  
479.486.497.602
- taxing banks, insurance and bridge companies, 356.  
368.479.515.630
- incorporating the Vermillion and Birmingham rail-  
road company, 367.376.479.488.602
- Hanging Rock and Lawrence Furnace rail-  
road company, 377.381.489.496.602
- first presbyterian church and society of Gran-  
ville, 399.410.489.496.602
- town of Albion, in the county of Cuyahoga,  
408.420.491.496.602
- Cincinnati, Columbus and Wooster turnpike  
company, 428.437.512.517.518.531
- Batavia turnpike and bridge company, 450.  
463.541.550.601.603
- further supplementary to the act incorporating the  
theological seminary of the protestant episcopal  
church in the diocese of Ohio, 492.496.541.550.  
602
- to organize and discipline the militia of Ohio, 504.  
508.542
- regulating the medical and surgical supervision of the  
commercial hospital and lunatic asylum of Ohio,  
549.565.572.618
- supplementary to the act appointing a board of bank  
commissioners, &c., 553.565.582.630.631.632.660

**ACTS ESTABLISHING ROADS AND HIGHWAYS.**

- To establish a road in Richland and Wayne counties, 10.14.18.23.53
- Delaware, Union and Franklin counties, 18.23.  
32.37.452
- Sandusky and Lucas counties, 36.47.70.72.86
- Jackson, Lawrence and Scioto counties, 149.151.  
253.258.401
- Richland and Holmes counties, 181.189.311.321.  
467.481.492
- Fairfield and Licking counties, 355.368



BILLS OF THE SENATE—*Continued.*

## ACTS OF INCORPORATION.

- To incorporate the Bigelow high school of Xenia, 14.18.31.32.37.46.  
47.60
- first presbyterian church and society of Huron, 14.  
18.32.37.60
- Winchester fire association, 18.23.32.36.38.55.59.73
- town of Mason, 55.58.82.86.152
- Clarksville, Cuba, Snowhill, New Lexington and  
Leesburg turnpike company, 72.75.94.97.165
- first congregational church and society of Ridgeville,  
in the county of Lorain, 76.81.134.137.208
- Etna fire company of Elyria, 76.81.134.137.208
- Huron fire association, 82.85.193.198.351
- Ashland academy, in the county of Richland, 101.  
106.164.172.178.292
- first universalist society of Akron, in the county of  
Portage, 105.112.153.159.247
- Norwalk silk manufacturing company, 111.112.165.  
231.240.392
- village of Mechanicstown, 117.121.199.203.351
- Hancock county hydraulic company, 117.121.165.  
215.253.267.280.439
- first baptist church of Peru, Huron county, 117.121.  
193.198.351
- first baptist church of Berlin, Huron county, 125.  
131
- Roscoe iron company, 126.131.169.173.270
- commercial insurance company of Cincinnati, 127.  
131.215.220.221.222
- Aurora academical association, in the county of Por-  
tage, 131.137.227.228.237
- Middlebury silk and beet sugar company, in the  
county of Portage, 131.137.227.231.232.240.392
- Huron silk company, 133.137.253.289.302.452
- Huron and Mansfield turnpike and McAdamized road  
company, 141.143.259.301.316.328.456
- first congregational church and society of Birming-  
ham, in the county of Huron, 141.143.193.198.202
- Lower Sandusky hydraulic association, 142.149.171.  
172.179.292
- literary and botanico medical college of Ohio, 145.  
149.229.248.249.263.269.456.483.498
- evangelical protestant church of Monroe county,  
153.157.254.258.401
- Marietta and Harmar bridge company, 167.173.309.  
333.341.482

• **BILLS OF THE SENATE—Continued.**

- To incorporate the town of Lower Sandusky, 167.173.283.529  
 free church of Warrenton, in the county of Jefferson, 169.173.283.405.410.520  
 Salem township baptist church, in the county of Muskingum, 178.182.311.320.456  
 Alexandersville and Bellbrook turnpike road company, 185.189.324.328.456  
 Lebanon and Hopkinsville turnpike company, 189.197.325.323.456  
 grace church of Maumee city, 191.197.331.336.467  
 Coshocton and Cambridge turnpike road company, 196.202.331.333.341.482  
 first congregational church and society of the township of Huntington, in the county of Lorain, 197.202.331.336.467  
 wardens and vestry of Christ's church of Huron, in Huron county, 199.202.331.336.467  
 Miami silk growing and manufacturing company of Troy, 204.207.339.427.438.570.571  
 second presbyterian church of Steubenville, in the county of Jefferson, 205.207.339.341.482  
 Wilmington, Port William, Jamestown and South Charleston turnpike road company, 207.213.338.341.482  
 city of Cleveland, &c. 207.213.339.554  
 proprietors of the Akron rural cemetery, 207.213.343.348.353.356.357.621  
 Barnesville male academy, 213.218.343.348.482  
 Troy city, in the county of Tuscarawas, 213.218.370.376.395.561.572  
 wardens and vestry of all-saints' church, Portsmouth, in the county of Scioto, 219.226.343.348.365.469  
 Fairfield, Yellow Springs and Clifton turnpike road company, 219.226.370.376.520  
 Moscow and Williamsburg turnpike road company, 226.237.364.366.376.498  
 fire company No. 1, in the town of Perrysburg, 226.237.363.375.382.519  
 Perrysburgh steam mill company, 226.237.363.369.375.498  
 Harveysburg high school, in the county of Warren, 246.250.423.432.520  
 Monroe academical association, 253.258.423.432.520  
 Woodsfield lyceum, 253.258.423.432.520  
 town of Madisonville, in the county of Hamilton, 261.268.441.446.552

BILLS OF THE SENATE—*Continued.*

To incorporate the methodist episcopal church of Troy city, in the county of Tuscarawas, 262.268.441.446.601.603  
 mechanics' and traders bank of Cincinnati, 262.268.440  
 conference printing establishment, in Circleville, Pickaway county, 281.286.454.465.552.553  
 first church of the united brethren of Circleville, Pickaway county, 281.287.454.465.569  
 trustees of Cuyahoga Falls institute, 281.287.454.472.475.570  
 Bellville railroad company, 286.290.455.461.475.602  
 Kalida steam mill company, 289.302.459.465.552  
 Fulton iron company, 289.302.459.460.465.570  
 Fredonia social library, in the county of Licking, 290.302.460.466.552  
 Waynesville and Wilmington turnpike company, 290.302.460.465.570  
 mechanics' society of Richland county, 301.309.470.474.570  
 Norwalk hook and ladder company, 305.309.470.475.569.571  
 Cincinnati silk company, 324.327.470.475.570  
 Clermont agricultural seminary, 330.335.554  
 Marengo company, 341.347.477  
 Lancaster, Carroll, Pickerington and National Road turnpike company, 383.400.449.581.598.643  
 Cleveland commercial railroad bank, 394.400  
 associate reformed church of Knoxville, in the county of Jefferson, 399.410.489.497.602  
 presbyterian church of Malaga, in the county of Monroe, under the care and government of the general assembly of the presbyterian church in the United States, 402.410.489.497.602  
 Ohio navigation company, 435.437.512  
 State agricultural society, 444.451.630  
 Hibernia benevolent society of Cincinnati, 450.463.541.550.601.603  
 evangelical protestant church of Cleveland, 462.473.541.550.601.603  
 parish of St. Alban's church, 492.496.541.550.602  
 Trumbull steam manufacturing company, 495.541  
 German St. John's church of Cincinnati, 581.597.616.642

## MISCELLANEOUS ACTS.

For the relief of Demas Adams, 10.14.18.22.23.53  
 Authorizing the courts of Vanwert county to be held at the county seat thereof, 10.14.18.23.53



# **BILLS OF THE SENATE—Continued.**

Authorizing the auditors of Lucas, Henry and Williams counties to procure copies from the land offices of the State of Michigan of the entry of lands lying in Ohio, 16.18.20.23

Authorizing a revaluation of section 29, in the original surveyed township No. 4, in the second entire range between the Miami rivers, in Warren county, 23.29.64.68.86

To erect the county of Kenton, 29.37.90.91.113

To change the name of the town of Plymouth, in the south part of Richland township, to that of Richland, 29.37.39.47.60

To authorize the commissioners of Wood county to borrow money, 36.46.70.72.86

To provide for the collection of demands against steamboats and other water crafts, 37.47.148.193.460.461

To divorce Phebe Dunbar, otherwise called Phebe Keeler, from her husband Ananias Dunbar, 58.63.106.107.192

To repeal the act authorizing a loan of credit by the State of Ohio to railroad companies, and authorizing subscriptions by the state to the capital stock of turnpike, canal and slackwater navigation companies, passed March 24, 1837, 65.68.121.198.202.304.349.350.358.404.630

For the relief of jurors in certain cases, 66.68.95.100.106.258.630

To divide the State of Ohio into judicial circuits, 70.87.89.91.115.122.132.145.174.179

To erect the county of Scott, 72.75.122.133.139.140.144.149.392

To provide for the extension of the Walhonding canal up the Kilbuck creek to Millersburg, in the county of Holmes, 72.75.164.281.287.288.298.397.404.411.520

For the relief of Hugh Murray, 78.81.145.215.219.227.293

To carry into effect a contract made by the adjutant general with Capt. S. Cooper, of the United States army, 80.85.108.112.183

To authorize the commissioners of Scioto county to make additional compensation to the contractors who built the court house in said county, and for other purposes, 80.85.154.158.218.352

To change the name of John A. Seaman to John A. Harrison, 85.89.161.163.247

To authorize the commissioners of Sandusky county to borrow money, 85.89.161.163.247

To provide for the appointment of wreck masters and defining their duties, 99.101.148.171.173.293

For the relief of Norman C. Baldwin, 99.101.161.165.276.290.439

To erect the county of Benton, 100.106.162.169

To erect the county of Beaver, 123.131.253

Regulating sales at auction in the county of Hamilton, 127.131.244.285.395.430.438.625

To appoint a commissioner of the canal fund, 131.137.155.158.170

For the relief of Ethan Stone, 134.137.172.177.227.395.453.496.520.521.551

To authorize the commissioners of Champaign county to borrow money, 134.137.170.173.270

# **BILLS OF THE SENATE—Continued.**

To authorize the commissioners of Huron county to borrow money, 138.143.193.198.422

To authorize the commissioners of Clinton county to loan money to the town council of Wilmington, 139.143.164.168.342

To divorce Louisa Kirsch from her husband, Christian Kirsch, 147.151.229.237.392.

To authorize L. W. Leffingwell to sell certain land of his minor children, 149.151.230.320.

To divorce E. L. Goodrich from his wife, Hannah Goodrich, 163.167.262.269.422.

To change the name of John Evans to John Lewis Evans, 167.173.310.630.

To authorize the school district composed of the town of Troy to borrow money, 169.173.310.321.456.

For the relief of certain lessees of section 16, in Columbia township, Hamilton county, 173.178.283.376.

To provide for the appointment of measurers and inspectors of cord wood in the counties of Jackson, Lawrence and Scioto, 174.178.310.320.456.

To establish a superior court in the city of Cleveland, 179.182.414.

To authorize the court of common pleas of Pickaway county to vacate certain alleys in the town of Circleville in said county, 189.197.363.369.500.

To change the name of the town of Waterford, in Tuscarawas county, 189.197.331.336.552.553.

To authorize and regulate a system of banking within the state of Ohio, 190.197.449.

To authorize the commissioners of Hardin county to subscribe to the capital stock of the Mad river and Lake Erie railroad company, and to convey certain lots, 197.202.331.336.604.621.

To exempt dwelling houses on farms from taxation, 198.203.

To regulate the times of holding the judicial courts, 202.207.250.252.258.265.270.271.

Making appropriations for the payment of Benedict Lutz and J. B. Christ, 203.218.219.240.395.

To repeal the law incorporating the town of Florence, in Huron county, 218.226.343.348.482.

To provide for the sale of section sixteen, in Falls township, in the county of Hocking, 225.237.363.369.482

To provide for the erection of a bridge in Clermont county, 226.237.370.376.498

To authorize the commissioners of Portage county to borrow money, 229.237.414.420.520

To provide for a revaluation and sale of part of school section sixteen, in Green county, 231.240.415.420.520

To authorize the trustees of the methodist episcopal church of the town of Newark, to sell certain real estate, 257.261.425.426.511.517.602

# **BILLS OF THE SENATE—Continued.**

- For the relief of the Willoughby university of Lake Erie, 262.268.  
396.453
- To authorize the construction of a canal from the Ohio canal near  
Clinton, to Wooster, in Wayne county, 268 280.441.450.469
- To provide for the draining of Gervais pond, in Scioto county, 268.  
280.453.473.501
- To erect the county of Mohican and to attach a part of the county of  
Coshocton to that of Holmes, 289.302.459
- To authorize the fund commissioners of Ross county to loan the sur-  
plus revenue to the county commissioners of said county, 290.302.  
460.463.468 469.569
- To authorize the city of Cincinnati to purchase and conduct the Cin-  
cinnati water works, 294.302.470.475.569.571
- To authorize a special election in the county of Gaernsey, 290.302
- To authorize the commissioners of Wood and Hancock counties to  
subscribe to the capital stock of the Bellefontaine and Perrysburg  
railroad company, and to borrow money, 309.320.470.475.601.603
- To authorize the commissioners of Fairfield county to construct a  
bridge across the Ohio canal, 338 341.408.530.537.602
- For the relief of George Knisley, 340.347.630
- To attach a part of the county of Brown to the county of Clermont,  
356.368.480.481
- To authorize the commissioners of Hamilton county to borrow money,  
363.368.479.488.602
- To repeal the 13th section of the act incorporating the town of Pike-  
ton, in Pike county, 364.368.479.488.602
- To prohibit the sale of intoxicating liquors to laborers employed on  
the Wabash and Erie canal, 366.376.481.495
- To authorize the court of common pleas of Licking county to appoint  
a trustee for Mt. Zion chapel, in the town of Newark, 368.376.479.  
489.630
- To authorize the corporate authorities of the town of Wooster to bor-  
row money for school purposes, 370.376.479.488 602
- To punish willful injuries to railroads, 402.410.573.580.589
- Providing for the enlargement of the lock at the mouth of Sym's  
creek, on the Muskingum river, 408.420.489.497.602
- To authorize the taxing of dogs, 408.420.490
- To authorize the Bank of Norwalk to establish a branch in the town  
of Huron, in Huron county, 412.420.491
- Declaratory of the law relating to wills, 428.437.512.549.565.618
- To provide for the sale of the southeast quarter of section 16, in town-  
ship 4, range 5, Monroe county, 428.437.512.517.621
- For the relief of James W. Crawford, 428.437.512.517.602
- To extend the Ohio canal up to Freeport, in the county of Harrison,  
444.451.530.630
- For the relief of Wm. Spencer and Alpheus Channel, 450.463.541
- To authorize the sale of section 16, township 5, range 2, in Jefferson  
county, 455.463.529.532.533.550.602



BILLS OF THE SENATE—*Continued.*

- To authorize the commissioners of Jefferson, Harrison, Guernsey and Monroe counties, to subscribe to the capital stock of turnpike or McAdamized road companies in certain cases, 484.486.541.550.602
- To change the name of the philomathean literary institute of Guernsey county, 504.508.541.550.602
- For the relief of George G. Baker and George R. Lewis, 517.535.541.550.602
- To repeal the act to abolish imprisonment for debt, 553.565
- To organize the county of Paulding, 577.579.643

## BILLS OF THE HOUSE.

## (AMENDATORY ACTS.)

- Further to amend the act incorporating the Zanesville and Maysville turnpike road company, 16.18.19.23.23.107
- To amend the act incorporating the south toll bridge company, in the county of Athens, 16.18.19  
creating the office of county surveyor and defining his duties, 17.18.19.20.23.47  
incorporating the German reformed synod of Ohio, 38.47.69.75  
Marietta and Newport road and bridge company, 53.55.82.85
- To further amend the act concerning divorce and alimony, 60.63.80.342.344.348.369.418.433.563 564.580
- To amend the 15th section of the act granting licenses and regulating taverns, 60.63.80  
act for the election of county assessors, 86.89.146.150  
punishment of certain offences therein named, 91.206  
incorporating the town of Newark, and the several acts amendatory thereof, 94.97.411.421.434  
defining the mode of laying out township roads, and the act prescribing the duties of supervisors and relating to roads and highways, 160.163.203.207.262  
making provision for carrying into effect the acts for the punishment of crimes, 173.178.206.226.309.311.321  
to provide for the incorporation of townships, 183.190.262.410.421.438  
for opening and regulating roads and highways, 183.190.325.327  
incorporating the trustees of the Windham school fund, 191.198.325.327  
to provide for the election of prosecuting attorneys so as to provide for any neglect of duty on the part of said officer, 204.208.343.365.376.380

# **BILLS OF THE HOUSE--Continued.**

- To revive and amend the act incorporating the Norwalk and Huron railroad company, 208.213.378.382.391
- To amend the act regulating the fees of sheriffs in civil and criminal cases, 214.218.345.627
- Amendatory of an act to regulate judgments and executions, 214.218.411.428.627
- To amend the act incorporating the village of Ashtabula, 220.226.370.376
  - for the appointment of guardians, 247.250.423.427.628
  - incorporating the town of Sidney, 248.250.423.433
  - regulating the practice of the judicial courts, 248.250.444
- Amendatory of the act to abolish imprisonment for debt, 265.268.319.426.440.441.543.556.557.578.585.586.588.600.607.621
- To amend the act for the support and better regulation of common schools, and to create permanently the office of superintendent, 329.336.340.371.377.441.442.448.537.538.539.551.571.
- To amend the act allowing and regulating writs of attachment, 341.347.417.627
  - defining the mode of laying out township roads, and also the act for opening and regulating roads and highways, 349.358.366.376
  - incorporating the town of Medina, 349.357.477.488
  - regulating the taxation and collection of costs, 351.358.426
  - providing for the inspection of certain articles therein named, 351.357.490.495.628
  - to regulate the times of holding the judicial courts, 359.368.370.376.382.394.402
- In addition to the act amending the act incorporating the Toledo and Sandusky railroad company, 391.400.461.475
- To amend the act regulating the fees of county auditors, 392.399.484
  - to provide for the partition of real estate, 392.399.418
  - incorporating the town of Perrysburg, 392.399.408.587.599
  - Cuyahoga Falls, Medina, Wellington and Norwalk turnpike road company, 392.400.461.587.599
  - for granting licenses in certain cases, 395.399.417.627
  - incorporating the Fairhaven, Rutland and Athens turnpike company, 401.410.489.497
  - regulating the mode of petitioning the legislature in certain cases, 401.409.504
  - for clearing certain ponds in the county of Butler, 421.432.493.494.503.509.510

BILLS OF THE HOUSE—*Continued*

To amend the act incorporating the Cleveland and Warren railroad company, 422.432.437.503.  
509

Fireman's insurance company of  
Cleveland, 422.431.513.518

altering the name of Paris, in the counties of Rich-  
land and Huron, to that of Plymouth, and to in-  
corporate said town, 422.432.513.518

Supplementary to an act making certain instruments of writing nego-  
tiable, 433,437,438,504,518,561

To amend the act incorporating the town of Dayton, in the county of  
Montgomery, 433.437.513,518

Further to amend the act prohibiting the issuing and circulation of un-  
authorized bank paper, passed January 27, 1816, 439,446,462,530,  
578,579,629,630,642,653

Amendatory of the act for the punishment of certain offences, 439,446,  
493

In addition to the act to tax banks, insurance and bridge companies,  
452,463,512,550,551

To amend the act incorporating the Perry improvement company,  
452,463,556,574,599

for the redemption of lands and town lots sold for  
taxes, 452,463,543,574,575,600,624

incorporating the German Lutheran and presby-  
terian congregation, in the township of Green,  
in the county of Columbiana, 452,463,542,551

incorporating the Gallipolis and Chillicothe turn-  
pike company, 456,464,555,566

granting licenses and regulating taverns, 561,562,  
564,582,595,599

relating to information in the nature of quo war-  
ranto and regulating the mode of proceeding  
thereon, 601,616,627

to provide for the sale of the northwest quarter of  
section 27, in township 19, range 18, in Rich-  
land county, and belonging to the original sur-  
veyed fractional township 18, range 18, in Knox  
county, 466,474,583,598

Amendatory of the act to amend the act to incorporate the city of Co-  
lumbus, 467,474,510,518

To amend the act incorporating the Vermillion and Ashland railroad  
company, 498,508,584,598

Hamilton, Rossville, Darrown,  
Oxford and Fairhaven turnpike  
company, 498,508,584,599

to provide for the incorporation of townships, 498,  
508,585,589

Further to amend the act authorizing the president, recorder and trus-



**BILLS OF THE HOUSE—Continued.**

- tees of the town of Zanesville to borrow money, &c. 500,508,584,  
598
- To amend the act prescribing the duties of county auditors, 523,536,  
587,599
- authorizing the holding of special courts in the coun-  
ty of Cuyahoga, 523,536,609,617
- incorporating the Clarksville, Cuba, Snowhill, New  
Lexington and Leesburg turnpike road company,  
551,552,565,582,590,598
- Further to amend the act to incorporate the Hamilton, Rossville,  
Somerville, Newcomb and Eaton turnpike company, 552,564,583,  
590,598

**ACTS ESTABLISHING ROADS AND HIGHWAYS.**

- To establish a road in the counties of Licking, Muskingum and Co-  
shocton, 30,37,40,47,53
- Paulding and Williams, 38,47,  
60
- Williams, Henry and Lucas,  
38,47,65,79
- Wood, Henry, Putnam, Han-  
cock, Allen and Hardin, 53,  
55,85,89,92
- Cuyahoga, Medina and Wayne,  
180,182,311,321,328
- Mercer and Vanwert, 204,208,  
339,341
- Stark and Portage, 292,302,  
455
- Stark and Portage, 350,357,  
477,488
- from the Ohio river opposite the Flats of Grave  
creek, to Pleasanton, 392,400,416,433,443
- in the counties of Franklin and Pickaway, 392,  
400,485,530,583,599
- Monroe and Morgan, 401,409,  
490
- Sandusky and Seneca, 413,420,  
503,510,511,525
- Guernsey, 433,437,513,579,  
601
- Carroll and Harrison, 439,445,  
529,537
- Monroe and Guernsey, 439,  
455,513,627
- Hancock and Henry, 601,615,  
616,628

BILLS OF THE HOUSE--*Continued.*

To establish a road in the counties of Allen and Hardin, 466,474,  
583,598  
Dark and Mercer, 467,473,  
559,566  
from Lancaster to McArthurstown, 467,473,556,  
566  
in the county of Williams, 467,473,559  
counties of Morgan and Athens, 467,473,  
559,566  
leading from Cole-run post office, to intersect the  
state road from Cumberland, in Guernsey coun-  
ty, to Sharon, in Morgan county, 467,474,559,  
566  
in Morgan county, 467,474,559,566  
in the counties of Sandusky and Seneca, 467,474,  
559,566  
Carroll, Columbiana, and Tus-  
carawas, 467,474,559,566  
Delaware, Franklin and Ma-  
rion, 467,473,558,566  
Preble and Butler, 500,507,584,  
598

## ACTS OF INCORPORATION.

To incorporate the first congregational presbyterian church and so-  
ciety, in the township of Bristol, in Trumbull  
county, 30,37,65,68  
particular baptist church of Granville, in Licking  
county, 38,47,60,63  
New Lexington branch of the Zanesville and Mays-  
ville-turnpike road company, 38,47,69,73  
Rockport lyceum, in the county of Cuyahoga, 52,  
55,82,84,98,92  
Miamisburg fire insurance company, 53,55,86,89,  
107,153,154,580  
Fairfield library association, in the county of Hu-  
ron, 60,63,93,97,101,580  
Martinsburg academy, in the county of Knox, 71,  
94,151,159,160,165  
presbyterian church of Zanesville, 73,75,95,97  
Johnstown lyceum, in the county of Licking, 73,75,  
96,97,101  
McConnellsville library and reading room associa-  
tion, 81,85,145,150,152  
town of Quincy, in the county of Logan, 81,85,  
145,150,152  
town of Granville, 86,89,153,159

BILLS OF THE HOUSE—*Continued*

- To incorporate the grand lodge of the independent order of odd fellows in the state of Ohio, 90,92,154,155,159,165  
 first united brethren church in Christ, of Harrison township, in Gallia county, 94,97,161,163  
 Geauga silk company, 106,112,164,189,168,204  
 town of McConnellsville, 151,152,259,261,313  
 regular baptist church of Dayton, 173,178,342,348  
 first presbyterian church of St. Marys, in the county of Mercer, 173,178  
 Liverpool and Massillon McAdamized road company, 174,178,311,321,328  
 Blendon young men's seminary, 180,182,215,219, 223  
 Jackson academy, in the county of Jackson, 180, 182,311  
 Oxford female academy, 191,198,324,397,410  
 St. John's church of Lancaster, in Fairfield county, 191,198,331,337  
 life union society, of the township of Bath, in Medina county, 191,198,325,628  
 western phrenological society of Cincinnati, 192, 198,331,628  
 Belmont manufacturing company, 199,203,378, 397,410  
 Leading creek toll bridge company, in the county of Meigs, 199,203,411,414,421,434  
 Massillon cemetery association, 203,207,411,421  
 Dayton Western turnpike company, 204,207,339, 375,382,395  
 Wellsville and Cleveland McAdamized road company, 208,213,344,355,425,433,443  
 Lancaster and Columbus turnpike road company, 220,227,316,328,337,380,392  
 Western Reserve teachers' seminary, 223,226,370, 376,380  
 first universalian religious library society of Har- mar, 228,237,414,421,434  
 town of Logan, in the county of Hocking, 247,250, 423,468  
 first church of disciples in Bedford, Cuyahoga coun- ty, 247,250,423,433,443  
 methodist episcopal church of Medina, 247,250, 433,438  
 town of Brownsville, in Licking county, 248,250, 440,587  
 Washington, in Guernsey county, 248, 250,415,421,434



BILLS OF THE HOUSE—*Continued.*

- To incorporate the Asbury seminary at Chagrin Falls, 258.261.425.  
433
- Marion mechanics' beneficial society, 258.261.425.  
433
- Northern German Lutheran church of Cincinnati,  
258.261.425 433
- Wappaukonnetta and Defiance turnpike road com-  
pany, 264.268.452.473.488.501
- Town of Minster in the county of Mercer, 265.  
268.441.446.468
- Nelsonville toll bridge company in the county of  
Athens, 270.280.455.464
- Wardens and vestry of St. Andrew's church in  
Elyria Lorain county, 292.302.455.464
- St. Mary's library association in the county of Mer-  
cer, 321.327.470.475
- First presbyterian church of Hanover in the county  
of Columbiana, 328.335.470.475.497
- First baptist church of Perrysburg in Wood county,  
329.335.470.475
- Congregational church of Plain in Wood county,  
329.335.470.475
- Methodist episcopal church of Johnstown in the  
county of Licking, 329.335.470.475
- Town of Royalton in Fairfield county, 341.347.417.  
479.488.501
- Franklin library association in the county of Mer-  
cer, 349.357.477.487
- First presbyterian church of West Carlisle in the  
county of Coshocton, 351.358.477.498
- Martinsville Silliman institute and library company,  
351.357.477.487.501
- St. Peter's catholic church of Bolivar in Tuscara-  
was county, 351.358.477.488
- Chiviot, Cleves and Elizabethtown turnpike com-  
pany in the county of Hamilton, 351.357.477.488
- St. Paris, Elizabethtown, Fletcher, Piqua, and Cov-  
ington turnpike company, 351.357.477.487
- Chillicothe hook and ladder company, 351.357.477.  
487
- Portsmouth dry dock and steam boat basin company,  
351.358.427.480.484.501.502
- Union turnpike road company, 379.382.483.484.  
497.520
- A certain forty acre tract of land in Tiverton tp.  
Coshocton county, Ohio, including the town plat  
of Rochester, 379.382.489.488

BILLS OF THE HOUSE—*Continued.*

- To incorporate the associate reformed congregation of Martinsburg in Knox county, 379.382.580.487.501
- Worthington female seminary, 379.382.480.487.501
- Universalist institute of Ohio city, 392.399.420.489.496
- Trustees of the first methodist episcopal church of Columbus in Franklin county, 392.399.490.497.520
- Mount Pleasant boarding school, &c., 392.399.439.440.503.509
- Parkman academy in the county of Granger, 392.399.420.486.497.520
- First congregational society of Troy in the county of Geauga, 492.399.490.497
- Perrysburg lyceum and library association, 392.399.420.503.509
- Clermont and Woodville graded road company, 392.400.419.433.441
- Union class of the church of the united brethren in Christ Jesus in Rush creek tp. in Fairfield county, 401.410.490.497
- Philomathean society of the Ohio university in the town of Athens, 401.409.489.497.520
- Dayton mechanics' institute, 401.410.489.497
- Elizabethtown circulating library society in the county of Licking, 401.410.490.497.520
- First presbyterian church of Brown tp. in the county of Huron, 401.409.490.497
- St. Mary's church in Marietta in the county of Washington, 401.410.490.497
- Town of Patriot in the county of Gallia, 412.420.503.509
- Milan and Elyria turnpike company, 412.420.491.498.507
- Claridon draining company in the county of Geauga, 413.420.491.492.493.509
- Methodist book concern at Cincinnati, 413.420.503.509
- Conneaut lyceum, 421.431.503.508
- Orthodox presbyterian church of Fredericktown in the county of Knox, 422.431.503.509
- First regular baptist church of Aurora in the county of Portage, 422.430.438
- First disciples' church of Euclid in the county of Cuyahoga, 422.431.503.509
- St. John's church at Wakeman in the county of Huron, 422.430.503.509

BILLS OF THE HOUSE—*Continued.*

- To incorporate the Frieden's German reformed and evangelical Lutheran church in the county of Clark, 422.431.503.509  
 Union German reformed church in Clark county, 433.437.513.518  
 Wapaukonnetta and St. Mary's railroad company, 434.437.513.519.531.561  
 Wardens and vestry of St. Barnabas' church at New Hagerstown in Carroll county, 439.445.513.518  
 Dayton silk company, 439.446.450.464  
 First congregational church and society of Parma in the county of Cuyahoga, 439.445.513.518  
 Wilmington and London turnpike company, 452.463.555.565  
 Dayton hotel company, 439.446.530  
 Bolivar and Loudonville McAdamized road company, 439.446.529.537  
 Town of Nelsonville in the county of Athens, 439.446.529.537  
 Brooklyn Centre academy, 439.445.513  
 Trustees of the Ravenna female seminary, 439.446.529.537  
 Venice and Milton turnpike road company, 452.463.542.550  
 Roseville and Deavertown turnpike road company, 452.463.555.566  
 Westchester, Middletown and Winchester turnpike company, 452.463.542.550  
 Malta lyceum, 452.463.555.565  
 Little Hockhocking bridge company, 452.463.542.551  
 Master and wardens of St. John's lodge, No. 13, in the town of Dayton, 452.463.542.551  
 New Haven hydraulic company, 452.463.542.567  
 Second presbyterian church of Newark, 539.445.513.518  
 Relief fire company of Zanesville, 552.565.609.617  
 Lancaster military hall association, 552.565.582.596.599  
 Scioto and Miami railroad company, 552.565.609.615.617  
 Wardens and vestrymen of St. Andrew's church in the town of Madison in the county of Muskingum, 456.464.555.566  
 Town of Springfield in the county of Hamilton, 467.474.559.566.621  
 Hanover, Stillwell and Rossville turnpike road company, 467.474.537.559.567.600



BILLS OF THE HOUSE — *Continued.*

- To incorporate the savings society in the city of Ohio, 467,474,580,  
581,600
- Meigs county high school and teachers' institute,  
467,474,559,565
- Ohio insurance company, 567,474,572,573,588,600,  
624
- Second presbyterian society of Columbus, 482, 487  
583,599
- New Hagerstown female seminary, 482,487,584,  
599
- Wood county turnpike and draining company, 482,  
487,583,599
- Oberlin mechanics' steam engine company, 482,487  
583,601
- Town of Alexandria in the county of Licking, 482,  
487,583,600
- Town of Bucyrus in the county of Crawford, 498,  
508,584,598
- Auglaize seminary, 498,508,584,599,624
- Sidney, Carysville and Millerstown road company,  
498,508,584,599
- Cadiz and Mount Vernon turnpike company, 499,  
507,584,599,624
- Town of Reynoldsburg in the county of Franklin,  
499,507,584,598
- Lewisburg and Eaton turnpike road company, 499,  
508,553,563,579
- Regular baptist church of Christ in Bucyrus, Craw-  
ford county, 499,507,584,599
- German evangelical protestant church of St. John  
in Massillon in the county of Stark, 499,507,584,  
599
- The state agricultural society, 499,507,585,594,599
- First congregational society of Avon in Lorain coun-  
ty, 499, 507,584,599
- Chagrin Falls manufacturing company, 499, 507,  
585,596,599,624
- Methodist episcopal church of Granger in Medina  
county, 499,507,584,598
- First baptist church at Sunbury in Delaware coun-  
ty, Ohio, 499,508,584,598
- First congregational presbyterian church of Stras-  
burg, Tuscarawas county, 499,508,584,598
- Baptist church of St. Albans in Licking county, 499,  
507,584,598
- Methodist episcopal church of Strasburg in Tusca-  
rawas county, 500,507,584,598

# **BILLS OF THE HOUSE—Continued.**

- To incorporate the evangelical Lutheran church of Strasburg in Tuscarawas county, 500,507,584,598**  
 Town of Lima in the county of Stark, 500,507,584,598  
 First united brethren in Christ's church of Strasburg in Tuscarawas county, 500,507,584,598  
 First baptist church at Mill creek, Delaware county, Ohio, 500,508,584,598  
 First methodist society of Evansport, 519,536,609,617  
 New Richmond turnpike company, 519,536,609,616  
 First methodist episcopal church of Cleveland, 519,536,609,617  
 Lithopolis academy, 519,536,609,617  
 Hannan Ferry, Mercerville, Patriot and Centreville turnpike company in the county of Gallia, 519,536,502,590,600,624  
 Monroeville fire company, No. 1, 519,536,609,617  
 Erie insurance company, 519,536,609  
 Scioto and Rush lake hydraulic company, 523,536,587  
 Worthington literati, 551,564,609,616  
 Citizens fire company of Chillicothe, 551,564,609,616  
 Northwestern turnpike road company, 552,565,609,616  
 Hamilton and Middletown turnpike company, 552,565,582,590,599  
 Town of Johnstown in the county of Licking, 552,565,641,658,659,660

## MISCELLANEOUS ACTS.

- To authorize the commissioners of Muskingum county to subscribe to the capital stock of any turnpike road company or turnpike road companies, when such road or roads shall enter into or pass through any part of said county, 19,20,38,107,112**  
**To attach a part of the county of Jackson to the county of Ross, 24,29,45,47,53**  
**To provide for the preservation and safe-keeping of the journals of the general assembly, 24,29,38,52,56,58,64,68,71,75**  
**Extending the time of payment of section 16, in Lemon township, Butler county, 30,37,39,46,57,59,67,68,72,75**  
**For the relief of W. H. Starrett, 38,47,66,80,85,113**  
**Fixing the the time at which laws of a general nature shall take effect, 52,55,85,101,108**

# **BILLS OF THE HOUSE—Continued.**

- To divorce Harriet Houck from her husband Jonathan T. Houck, 53,55, 80,154,159
- To authorize the town council of Newark, to open, lay out and widen certain streets and alleys in said town, 56,58,220,227,235
- Making special appropriations for the year 1838, 56,58,63,70,75
- To divorce Wm. Mankins from his wife Mahala Mankins, 60,63,235, 236,240,253,254,405
- To create a school district in the corner of Wood, Hancock and Seneca counties, 60,63,93,97,101,106
- To authorize A. Haha to exhibit the skeleton of the Mastodon, 70,76
- For the relief of John Wolf, 71,121,147,402,447,451,468
- To authorize the commissioners of Crawford county to borrow money, 73,75,95,97,101
- To authorize the school district composed of the corporate limits of the town of Gallipolis in the county of Gallia to borrow money for school purposes, 73,75,95,97
- Defining the duties of the canal commissioners, the canal fund commissioners and the auditor of State, 73,75,95,306,322,353,358
- To authorize the laws of a public nature to be distributed by mail, 90, 92,161,276,627
- To prohibit the issuing and circulation of small bills, 121,124,175,180 184,192,199,204,208,211,241,242,243,246
- To divorce Mary Ellen Inskeep from her husband Wm. H. Inskeep, 131,137,235,554,555,566
- To reduce the corporate limits of the town of Centreville in Montgomery county, 138,143,170,173
- To allow juries before justices of the peace, 151,152,234,259,262,425, 483
- To prohibit the sale of section 16, in Hanover township, Columbiana county, 154,157,254,258,264
- Extending the provisions of the act to provide for the internal improvement of the state of Ohio by navigable canals, 154,157,172, 178
- To authorize the commissioners of Portage county to increase the tax in said county for county purposes, 154,157,254,258
- For the relief of Abner Enoch, 154,157,246,304,398,411,421,433,444, 451,457,468
- To vacate certain alleys in the town of New Haven in the county of Huron, 155,157,310,321,338,627
- To provide for the more effectual punishment of certain offences in the county of Cuyahoga, 174,178,310,321,328
- To extend the time of making payment by the purchasers of the salt reservation in the county of Jackson, 174,178,494,509
- To provide for the regulation of incorporated towns, 174,178,310,324, 327,338
- To authorize the county commissioners of Madison, Clark and Greene to subscribe to the capital stock of any turnpike road company or turnpike road companies, when such road or roads shall enter into



# **BILLS OF THE HOUSE—Continued.**

- or pass through any of the said counties, or either of them, 180,182, 311,553,464
- To repeal the act incorporating the village of Brighton, 180,182,324, 327
- To organize the town of Hamilton in the county of Butler into two separate and independent school districts, 183,190,324,327
- To vacate part of a state road in the county of Columbiana, 183,190, 312,320,328,330,338
- To change the name of the town of Guilford in the county of Mercer, 183,190,324,327
- To vacate certain alleys in the town of Massillon and to establish a street in said town, 190,197,325,397,437,446,447,468
- To prohibit the establishment within this state of any branch, office, or agency of the United States Bank of Pennsylvania, or any other bank or corporation, incorporated by the laws of any other state, or by the laws of the United States, and for other purposes, 194,198, 236,265,266,268
- To create the thirteenth judicial circuit in Ohio, 199,203,214,119,223, 239,246,248,252
- For the relief of Caleb Inlay, 208,213,316,435,440,450,454,455,462, 475,492
- To authorize the corporate authorities of the city of Chillicothe to borrow money for school purposes, 208,213,345,348
- For the appointment of foreign commissioners, 208,213,236,378
- To secure laborers of their wages for work done on the public works in this state, 214,218,377,378
- Regulating the fees of constables in civil and criminal cases, 220,226, 227,418
- To provide for the appointment of a board of bank commissioners, and for the regulation of banks within the state of Ohio, 237,240, 272,273, 279,290,291,292,322,323,338,348,353,378,382,383
- In relation to permanent leasehold estates, 259,261,425,426,427,438, 443
- For the relief of Frederick A. Abbott, 270,280,455,484,497,520
- To provide for the more effectual punishment of certain offences in the county of Scioto, 282,287,455,465,469,504
- To authorize the holding of special courts in the county of Cuyahoga, 282,287,304,309,313
- To regulate incorporated literary societies, 292,302,455,464,481
- To change the name of the town of Columbia in Putnam county to that of Pendleton, 292,302,455,464
- To encourage the culture of silk, 293,302,455,516,517,537,539,540, 567,618
- To extend the corporate limits of Columbus, 293,302,459,464
- For the relief of owners of land within the Mercer county reservoir, 293,302,459,531,627
- Relating to fugitives from labor or service from other states, 322,327,

BILLS OF THE HOUSE—*Continued.*

- 331,339,345,356,371,372,373,374,381,385,386,387,388,389,390,393,  
394,402
- To authorize the president, recorder and trustees of the town of New  
Lisbon to borrow money, 328,335,470,475
- For the support and better regulation of the public schools in the town  
of Zanesville, 328,335,471,485
- To divorce Mary Earle from her husband Robert Earle, 328,336,365,  
491
- For the relief of James S. Wilkinson, 329,335,471,493
- For the relief of Gideon M. Ayres, 337,341,530,544
- For the relief of John Beatty, auditor of Clermont county, 329,  
335,470,475
- To establish the board of canal commissioners and to revive the board  
of public works, 341,347,399,441,448,451,468
- For the relief of Frederick H. Bryan, 349,367,473,533
- To authorize the town council of Dayton to borrow money, 351,357,  
477,496,520
- For extending the Columbus and Zoar state road, 351, 357, 473,487
- To authorize and encourage the establishment of agricultural societies  
in the several counties in this state, and to regulate the same, 351,  
358,397,479,488,501
- To authorize and empower the mayor and town council of the town of  
Felicity in the county of Clermont to change the corporate limits of  
said town into a road district, 358,368,479,488
- Appointing commissioners for the state road leading from Painesville  
in Geauga county, to Bloomfield in the county of Trumbull, 359,  
368,479,487
- To punish certain crimes therein named, 359,368,480,564,579,635  
653
- To authorize the commissioners of Highland county to subscribe stock  
to the Ripley and Hillsborough turnpike road, and to borrow money  
for the same, 379,382,480,487
- To provide for the more effectual punishment of certain offences in  
the county of Montgomery, 379,382,480,504
- To authorize the county surveyor to survey lands and town lots with-  
out the county, 379,382,483,484,539,550,570
- In relation to the medical and surgical supervision of the commercial  
hospital and lunatic asylum of Ohio, 379,382,396,410,421
- For the protection orchards, and other improved lands, 392,400,450,  
503,628,629,,641,642
- Making special appropriation of the three per cent fund in the county  
of Belmont, 392,399,484,487
- Making special appropriation for works of internal improvement, 392,  
400,535,557,558,566,621
- To diminish the costs of criminal prosecutions, 392,399,428
- Making special appropriations for the sale of section 16, in township  
9, range 3, in the county of Jefferson, 392,400,407,421
- To repeal the act providing for the erection of the townships of Sulphur

BILLS OF THE HOUSE—*Continued.*

- Spring, Pleasant and Adams in the county of Seneca, 401,409,490, 497
- To appoint a road commissioner, 401,410,489
- For the relief of Morris Seely, 401,409,450,485,503,510,524
- To divide the township of Dayton into two election districts, 412,420, 503,509
- To divorce Eliza Stone from her husband Clayborne Stone, 413,420, 491,493
- To change the name of the town of Vermillion in Richland county to that of Savanna, 413,420,430,438,445
- To regulate the fees of sheriffs in cases of naturalization, 422,431,503, 509
- To divorce Jacob Ebbersole from his wife Catharine W. Ebbersole, 422,432,436
- To exempt section 29 in the original surveyed township of Springfield in the county of Hamilton from revaluation, 422,431,503,506,507, 518,519,561
- To authorize the school directors of the borough of Ashtabula to remit the tax for building school houses in certain cases, 434,437,513, 518
- Ceding to the United States the jurisdiction of certain land on Cedar Point, entrance of Sandusky bay, in the county of Erie, for a certain purpose, 439,446,529,537
- Ceding to the United States the jurisdiction of certain lands in the township of Huron, Huron county, for a certain purpose, 439,446, 529,537
- To create a lien in certain cases in the township of Zanesville, 439, 445,515,546,553,585,599
- To attach a part of the county of Lawrence to the county of Gallia, 439,446,530,533,557
- Appointing trustees of the Miami university, 452,463,502,509
- To authorize the commissioners of Highland county to sell or lease certain inlots in the town of New Market in said county, 452,463, 542,543,574
- Authorizing the extension of the Miami canal feeder, 452,463,543,628
- In relation to licenses by city and town authorities for the sale of spirituous liquors, 452,463,543
- For the relief of David Hayward and Thomas Sands, 456.463.556. 562.579
- To extend the time of payment of school section 16, in Holmes county, 456.464.556.561.579
- In relation to the duties of sheriffs and the sale of lands under execution, 456.464.556.573.574.599
- To vacate part of a state road in the county of Columbiana, 552.565. 609.617
- To repeal the act incorporating the Farmers' Bank of Canton, &c., 561.562.564.568.569



# **BILLS OF THE HOUSE—Continued.**

- To divide the town of Akron, in Portage county, into two school districts, 569.579.609.616
- To authorize the commissioners of Knox county to borrow money for certain purposes from the fund of the surplus revenue deposited with said county, 601.616.655.659
- To divorce Jesse Lock from his wife Leah Lock, 604.616
- To divorce Elizabeth Farrington from her husband George Farrington, 604.616
- To authorize the construction of a free turnpike road from the town of Lafayette, in the county of Madison, to the town of Urbana, in the county of Champaign, 624
- To alter part of a state road in Delaware county, 626
- Making a special appropriation of the three per cent fund in the county of Knox, 456.464.555.566
- To vacate part of a state road leading from Columbus to Springfield, 466.474.583.590
- Making a special appropriation of the three per cent fund in the county of Perry, 467.474.583.593
- To vacate part of a state road in the county of Butler, 467.474.559.566
- To authorize a review and change of part of a state road from Proctor's store to the town of Patriot, 467.473.559.566
- To change part of a state road leading from Worthington to Galena, 467.474.559.566
- To change the location of a state road leading from Palestine, in Dark county, to the Indiana state line, 467.473.559.566
- To provide for the erection of a state arsenal, 467.474.580
- For the protection of railroads, 467.474.580.588.599.624.625.646
- To enlarge the corporate limits of the town of Zanesville, 467.474.583.599
- To provide for the levying of a school tax in Oxford township, Butler county, 482.487.584.599
- For the disposition of unclaimed costs, 486.585.594.595.599.624
- Relating to the stockholders of the Manhattan Bank, at Manhattan, Ohio, 482.487.494.495.508.509.524
- To punish betting on elections, 498.508.585.588.589.617.653.658.659.660
- Authorizing the auditor of Meigs county to receive the surrender of certain leases of school lands, and to give certificates of purchase therefor, 499.507.585.596.600.618.654
- To divorce Catharine Wolf from her husband Charles C. Wolf, 499.507.585
- Relating to sale of real estate under judgments and executions, in the county of Cuyahoga, 499.508.587.627
- To divorce Polly Murphy from her husband Edward Murphy, 500.507.585
- To divorce Roxana Davis from her husband Luther M. Davis, 519.536.610

BILLS OF THE HOUSE—*Continued.*

- Authorizing the school directors of school district No. 2, in Lick township, Jackson county, to borrow money, 519,536,610
- To enable the commissioners of Franklin county to sell the poor house of said county, and the lands attached thereto, 519,536,609,616
- To authorize a review and alteration of a part of a state road leading from Worthington, in Franklin county, to Marysville, in Union county, 519,536,609,617,655
- Making a special appropriation of the three per cent fund within the county of Union, 519,536,600
- To prevent certain injuries to the canals belonging to this State, and for other purposes, 519,536,581,582,600,618
- To revive the act incorporating the Bellefontaine and Perrysburgh railroad company, 519,536,609,617,655
- Restraining the corporate authorities of the cities of Cincinnati and Cleveland in the exercise of certain powers and for other purposes, 523,536,610,615,617,655
- For the relief of Arthur Taggart, 523,536,587,595,600,624
- Making appropriations for the year eighteen hundred and thirty nine, 523,536,594,608,617,624
- For the relief of George Arnold, guardian of Bennet Dine, a lunatic, 552,565,609,617

## [ C ]

- Committees appointed, standing, 10,15,371,484
- on unfinished business, 15
  - on enrollment, 16,17,294
  - on privileges and elections, 5
  - of conference on the bill to provide for the safe keeping, &c. of the journals, 71
  - on petitions praying towns and cities to be made liable for damages done by mobs within their limits, 113
  - to visit and examine Canton Bank, 127
  - of conference on the bill allowing and regulating writs of attachment before justices of the peace, 137
- Communications, (see heads of the sources whence they may emanate.)
- Canals, resolution in relation to rates of tolls on, 478,485
- Canal fund commissioners, annual report of, 216
- appointment of a member of the board of, 31,137,155,158,170
- Congress, canvass of votes for members of, 48
- Canal commissioners, special report of, in relation to expenditures on public works, 89
- annual report of, 185
  - special report of, in relation to Wooster & Chippewa canal, 187,253
  - examination of Raccoon creek, 187

Canal commissioners—*Continued.*

- Canal commissioners, special report of, in relation to the claim of Abner Enoch, 322  
 in relation to the claim of Caleb Imlay, 343  
 in relation to the claim of Morris Seely, 377  
 in relation to the southern termination of the Ohio canal, 481  
 appointment of canal commissioner, 525
- Call of the senate, demanded by Mr. Green, 244  
 Smith, 244  
 Utter, 287  
 Powers, 387
- Commissioners from the State of Kentucky, (see Governor.)

## [E]

- Elections of president judge for 9th judicial circuit, 61  
 associate judges for Hamilton county, 61  
 United States senator, 74  
 associate judges for Knox, Tuscarawas, Ashtabula, Licking and Williams counties, 102,103  
 register and receiver state land office at Lima, 103  
 receiver state land office at Maumee city, 104  
 associate judges for Holmes, Scioto, Mercer, Harrison and Perry counties, 128,129  
 associates judges for Clark, Pike, Union, Washington, Putnam, Seneca and Sandusky counties, 209,210,211  
 major general 18th division, Ohio militia, 210  
 associate judges for Monroe, Warren, Shelby and Delaware counties, 295,296,297,298  
 state librarian, 296,297  
 auditor of state, 296  
 secretary of state, 296  
 major general 5th division, Ohio militia, 297  
 president judge of the 13th judicial circuit, 406  
 associate judges for Medina, Union, Logan and Jefferson counties, 526,527  
 major general for the 9th division of the Ohio militia, 527  
 directors of the Ohio penitentiary, 527,528

## [F]

- Finances, report of auditor of state in relation to the state of, 476  
 Farmers' Bank of Canton, (see reports, resolutions of the senate, and house bills.)



## [ G ]

- Governor, committee to wait on the, appointed, 6  
 message of, 8, 14  
 votes for, canvassed, 20  
 communication from, in relation to public lands, 37  
     votes for members of congress, 48  
     to certain official vacancies, 53, 160, 412, 457, 480  
     to Zanesville & Maysville road company, 54
- inauguration of, 54  
 communication from, in relation to Miami canal lands, 65  
     Zanesville & Maysville road company, 82  
 transmitting certain resolutions of the Kentucky legislature, 192  
 transmitting a communication of Kentucky commissioners, 224, 244  
 in relation to lands due the State under a grant of congress, 476  
 transmitting certain resolutions of the Indiana legislature, 502

## [ I ]

- Inauguration of governor, (see Governor.)  
 Institution for the blind, appointment of trustees of, 478, 604  
 Judicial circuits, bill dividing the State into, 70, 87, 89, 91, 115, 122, 132, 145, 174, 179  
     creating the 13th, 199, 203, 214, 219, 223, 239, 246, 248, 252

## [ K ]

- Kentucky commissioners, (see Governor.)

## [ M ]

- Members of the senate, certificates of election of, referred, 5, 14  
 Militia system, report of auditor of state in relation to expenditures of, 185  
 Miami canal lands, (see Governor.)  
 Major generals, (see elections.)  
 Maine boundary difficulties, (see resolutions of the house.)

## [ N ]

- New counties—Penton, 30, 100, 106, 162, 169  
     Kenton, 29, 37, 90, 91, 113

New counties—*Continued.*

New counties—Scott, 72,75,122,133,139,140,144,149,392

Beaver, 123,131,253

Mohican, 289,302,459

National road, resolution in relation to a portion of, 510

[O]

Ohio canal, special report of canal commissioners in relation to southern termination of, 481

resolution in relation to southern termination of, 481

Ohio lunatic asylum, annual report of directors of, 84,133

appointment of directors of, 478,570,571,605

[P.]

POSTPONED UNTIL THE FIRST MONDAY OF DECEMBER NEXT.

A bill to erect the county of Kenton, 113

Benton, 169

Beaver, 253

Consideration of the petitions of the contractors on the Wabash and Erie canal for relief, 418

Bill to incorporate the mechanics' and traders' bank of Cincinnati, 440

Petitions for the new county to be called Chester, 445

Bill to erect the county of Mohican, and to attach a part of the county of Holmes to the county of Coshocton, 459

Bill providing for the construction of a canal from the Ohio canal near Clinton, to Wooster, in Wayne county, 469

Bill to attach a part of the county of Brown to the county of Clermont, 481

Resolution authorizing the board of canal commissioners to make a survey, estimate and location of the Fairhaven, Rutland and Athens turnpike road, 483

Bill to authorize and empower the mayor and town council of the town of Felicity, in the county of Clermont, to change the corporate limits of said town into a road district, 488

Bill to authorize a state road in the counties of Monroe and Morgan, 490

Bill to divorce Mary Earle from her husband, Robert Earle, 491

Resolution in relation to the location, vacation, &c. of county roads, 494

Petitions for the construction of the Mohican canal, 496

Resolution for the survey of a canal route to connect the Columbus feeder and Miami canal, 514

Bill to incorporate the town of Lower Sandusky, 529

for the relief of Frederick H. Bryan, 533,534

Wm. Spencer and Alpheus Channel, 541

to incorporate the New Haven hydraulic company, 542

Postponed to first Monday of December—*Continued.*

- Bill to incorporate the Clermont agricultural seminary, 554  
     city of Cleveland, and for revising and repealing all laws heretofore enacted on that subject, 554  
     to authorize a state road in the county of Williams, 559
- Resolution for the relief of Henry Wharton, 563  
     Wm. W. Garrett, 571
- Memorial, &c. of B. F. Stickney, 574
- Resolution for the survey and examination of the Black Fork of Mochican, 578
- Bill to divorce Catharine Wolf from her husband, Charles C. Wolf, 585  
     incorporate the town of Brownsville, in the county of Licking, 587
- Memorial of Davidson and Cone for relief, 589
- Resolution for the survey of One Leg and Connotton creeks, 589, 590
- Memorial of M. Stanberry, jr. of Licking county, 595  
     Francis W. Adams of Pike county, 690
- Resolution for the relief of Jacob L. Vance, 505
- Bill making a special appropriation of the three per cent fund in Union county, 610
- Memorials in relation to the mode of collecting taxes, 610  
     for the better protection of persons traveling on the highways, 615
- Resolution for the examination of Stillwater creek, in Tuscarawas county, 615
- Bill to incorporate the life union society of the township of Bath, Medina county, 628  
     authorize a state road in the counties of Hancock and Henry, 628  
     the extension of the Miami canal feeder, 628
- Bill authorizing the court of common pleas of Licking county to appoint a trustee for Mount Zion chapel, in the town of Newark, 630
- Bill to amend the act defining the duties of supervisors of roads and highways, 630
- Bill for the relief of George Knisley, 630  
     to extend the Ohio canal up to Freeport, in the county of Harrison, 630  
     to amend an act to tax banks, insurance and bridge companies, 630
- Resolution for a survey from the mouth of Ohio Brush creek to the Marble Furnace, in Adams county, 642
- Resolution authorizing a survey and estimate of the Gallipolis and Chillicothe turnpike road, 642
- Memorial of Timothy Everett for relief, 647
- Resolution for a survey and estimate of Stillwater creek, in Tuscarawas county, 656



Postponed to first Monday of December—*Continued.*

Resolution authorizing the survey of a canal route from the Ohio canal by way of Jonathan's creek to its junction with the Muskingum river, 656

Resolutions propounding certain interrogatories to the banks of this state, 660

Bill supplementary to the act appointing a board of bank commissioners, 660

Penitentiary, annual report of directors of 63,  
appointment of directors of 527,528

President judges, (see elections.)

Public lands, (see governor.)

Previous question moved by Mr. James on the adjournment resolution, 313

Protest against the passage of the resolution for the adjournment of the general assembly, 403  
resolutions in relation to the Maine boundary difficulties, 641

Paulding county, resolution providing for the organization of 554

[ R. ]

Register state land office at Lima, (see elections.)

Receiver           do           do  
do           do           Maumee city do

Resolutions of the Indiana legislature, (see governor.)  
Kentucky legislature, do

Reports of standing committees:

on agriculture, commerce and manufactures—

on the expediency of abolishing the office of fence viewers, 308

increasing the tolls of steam mills, 308

in relation to taxing dogs, 408

on canals—

on the Mercer county reservoir of the Miami canal extension, 202

on survey of a canal route from Columbus to waters of Mad river, 307

on the petition of the contractors on the Wabash and Erie canal for relief, 417  
for aid to the Stillwater navigation company, 444

for the construction of the Mad river feeder to the Miami canal, 532

Reports of standing committees--*Continued.*

## on claims—

on the petition of T. B. Anderson of Cincinnati, 217

## on the currency—

on house resolution for printing report of special master commissioner on the Ohio life insurance and trust company, 218

on the incorporation of the mechanics' and traders' bank of Cincinnati, 226

on bill (H.) to prohibit the establishment within this state of any branch, office or agency of the United States Bank of Pennsylvania, &c. 236

on so much of the governor's annual message as relates to the currency, 486

## on colleges and universities—

on the memorial of the trustees of Franklin college, Harrison county, 574

## on enrollment—

38.46.53.62.63.66.79.84.125.129.137.142.156.167.  
188.189.196.202.217.236.249.257.285.286.300.  
307.316.317.332.333.346.356.367.397.398.419.  
423.429.457.458.472.484.486.491.495.505.506.  
515.516.517.528.532.534.535.546.547.548.549.  
562.563.575.576.577.595.596.597.611.612.613.  
614.615.625.635.636.637.638.639.647.648.649.  
650.651.652.656.657.661.662.663

## on finance—

on the petition of the president of the city council of Cincinnati, 167

on petitions for repeal of the law taxing physicians, 484

## on the judiciary—

on the petition of Hugh Murray for a divorce, 58  
Urias and Phoebe Keeler, 58  
Samuel B. Spear, 58

citizens of state for the greater protection of property wrecked on Lake Erie, within Ohio, 80

on the petition of J. W. McKee, of Richland county, 101

on petitions praying an amendment of the law defining the powers and duties of justices of the peace, 147

on the repeal of the existing license laws, 147

petition of E. L. Goodrich for a divorce, 163

Susan Kiser, do 206

on petitions of citizens of Richland county for certain relief, 232

Reports of standing committees—*Continued.*

on the judiciary—*Continued.*

- on petition of Zenas Barnum of Lorain county for certain relief, 233
- on bill (H.) allowing juries before justices of the peace, 234
- on bill (H.) to divorce Mary Ellen Inskeep from her husband, W. H. Inskeep, 234
- on bill (H.) to divorce Win. Mankins from his wife, Mahala Mankins, 235
- on so much of the governor's message as relates to the abolition of capital punishment, 274
- in relation to rates of travel in stage coaches, &c., 275
- on bill authorizing the laws of a general nature to be distributed by mail, 276
- on the petition of A. McBride of Richland county, 277
- on the petition of citizens of Lorain county for an amendment of the law relating to evidence, 277
- on petitions of citizens of Putnam county, in relation to Thos. Harmer, 278
- in relation to the act incorporating the Sandy and Beaver canal company, 278
- on resolution in relation to taxes on real estate, 285
- on the petition of Robert Boys of Trumbull county for a divorce, 285
- on petitions praying amendment of the law defining the duties of county surveyors, 285
- on petition of R. Reed, praying amendment of the law defining the duties of county commissioners, 294
- on resolution for the distribution of the revised statutes, 317.333
- on petition of Andrew Myer, in relation to the overflowing of lands by mill dams, 319
- on petitions for a law allowing juries before justices of the peace, 319
- on memorial of T. Worthington, Esq. for relief, 319
- on petitions of citizens of Portage county, 335
- James Robb of Clermont county, 365
- on house bill to divorce Mary Earle from her husband, Robert Earle, 365
- on resolution in relation to judicial proceedings where banks, &c. are concerned, 367
- on petitions for an amendment of the law punishing certain offences, 367



# Reports of standing committees—*Continued.*

## on the judiciary—*Continued.*

- on petitions for an amendment of the law relating to attachments, 368
- on the petition of W. L. Knight of Trumbull county, for an amendment of the act defining the duties of justices of the peace, 416
- on the petition of citizens of Monroe and Belmont counties for relief to Jacob Wink, 426
- on the petition for relief to Wm. Wolf, Joseph Wolf and Philip Raplogal, 436
- on the petition of citizens of Portage county, for a law securing to mechanics a lien on buildings, &c. erected by them, 493
- on the resolution in relation to the duties of county auditors, 532
- on the memorial of Christopher Smith of Shelby county, 544.545.546
- on petitions in relation to the sale of ardent spirits, 546
- on so much of the governor's message as relates to usurious interest on money loaned, 546
- on the memorial of John B. Mahan for relief, 590. 591.592.593.594

## on military affairs—

- in relation to the militia system of the state, 356

## on new counties—

- respecting the proposed new county of Kenton, 28  
Benton, 100  
York, 188
- in relation to the removal of Lucas county seat, 419.478.530.543.544.572 583.605.606.607.624
- on the petition for a new county to be called Gibson, 444
- on the petition for a new county to be called Chester, 444
- in relation to the location of the seat of justice of Lawrence county, 533.553
- on the petitions for the new county of Salem, 594

## on the penitentiary—

- in relation to the transportation of convicts, 429  
Ohio penitentiary, 563,

## on privileges and elections—

- respecting the election of members, 27

## on roads and highways—

- on the bill to establish a state road in Williams, Henry and Lucas counties, 79
- on petitions for an appropriation to a state road in Lucas and Henry counties, 217

Reports of standing committees—*Continued.*

on roads and highways—*Continued.*

- on petitions for an appropriation to a state road in Knox and Richland counties, 319
- on petitions of citizens of Jefferson county for aid in the construction of a bridge, 327
- on petitions for aid in the construction of a state road from Bucyrus to Fort Wayne, Indiana, 333
- on petitions for aid in the opening of a state road from Maumee city to the Indiana state line, 367
- on petitions for a state road through Wayne and Knox counties, 406
- on petitions for a resurvey of a state road in Miami and Darke counties, 473
- on petitions for an increase of the fees of road commissioners and surveyors, 515
- on petition in relation to a portion of the national road within Ohio, 610

on railroads and turnpikes—

- on petitions of citizens of Clinton and Highland counties, 212
- on resolution of the house for survey of Fairhaven, Rutland and Athens turnpike road, 256
- on petitions for a turnpike road through Lucas county, 300
- on petitions for a turnpike road from St. Mary's, Mercer county, to the Indiana state line, 300
- on petitions for turnpike road from Maumee city, Lucas county, to the Indiana state line, 301
- on petitions in relation to a railroad from Newark, Ohio, to St. Mary's, Ohio, 307
- on petitions in relation to a railroad from Maumee city to Michigan line, 340
- on the petition of the directors of the Milford and Chillicothe turnpike company, 418
- on a resolution to provide for the appointment of a superintendent of railroads and turnpikes, &c. 516

on schools and school lands—

- on the bill to extend the time of payment for section 16, in Lemon township, Butler county, 67
- on petitions from citizens of Montgomery township, Richland county, 196
- on petitions from citizens of the state, 267
- on petitions in relation to the sale of school section 16, 355
  - on the distribution the common school director, 355
- on petition of citizens of Warren county, 366

# Reports—Continued.

## of select committees—

- to prepare rules for the government of the senate, 336,670,227
- on unfinished business, 36
- in relation to the three per cent fund, 409
- in relation to the compensation of the state printer, 412
- on the petition of citizens of Tuscarawas county for the sale of certain public ground in the town of Westchester, 462

## Reports of joint select committees—

- to wait on the Governor, 7
- to wait on the Governor elect, 36
- of conference on the bill to provide for the safe-keeping of the journals, &c. 75, 78
- to wait upon the commissioners from the state of Kentucky 205
- to visit and examine the Farmers' Bank of Canton, &c. 281, 283,301,304

## Report of directors of Goshen, Wilmington and Columbus turnpike company, 82

- appointed to superintend the erection of Ohio lunatic asylum, 84,138
- trustees of the medical college of Ohio, 93
- deaf and dumb asylum, 161
- Pennsylvania and Ohio canal company, 167

## Reporters admitted—

- James Ferguson, Esq., for Ohio Statesman, 6
- Otway Curry, Esq., for Ohio State Journal, 6
- T. W. Fragg, Esq., for Ohio Statesman, 244

## Resolutions of the senate.

- By Mr. Allen, for the relief of Jacob Morgan and Guy Nearing, 540,570

- By Mr. Bates, in relation to judicial circuits of the state, 13
- requiring the auditor of state to procure information in relation to lands lying in Ohio, north of Sullivan's line, that are or may become liable to taxation, 24,47
- for furnishing Lucas county with copies of revised statutes, 295,312,330,335
- in relation to a superintendent of railroads and turnpikes, 295,516
- providing for a certain election, 301,401
- in relation to the organization of Paulding county, 554,577



Resolutions of the senate—*Continued*

- By Mr. Brady, calling upon the governor for information as to a vacancy in the office of associate judge in the county of Tuscarawas, 40
- By Mr. Craighill, authorizing the commissioners of Sandusky county to use certain money, &c. 572
- By Mr. Fuller, for printing second annual report of superintendent of common schools, 127,138,142,144,164 providing for elections, 426
- By Mr. Green, admitting Otaway Curry within the bar of the senate as reporter for the Ohio State Journal, 6  
to procure copies of the laws and journals for use of senate, 8  
calling for certain information from the auditor of state, 138  
in relation to the law relating to wills, 238  
for printing report of the blind asylum, 370,380  
in relation to bills transmitted from the house not engrossed, 468  
appointing directors of the Ohio lunatic asylum, 478, 570,571,605  
appointing trustees for the institution for the blind, 478, 604  
in relation to a portion of the national road, 510  
providing for the purchase of land for the Ohio lunatic asylum, 540,555,471
- By Mr. Harlan, in relation to taxes on real estate, 251  
in relation to location of county roads, 251,343,494,613
- By Mr. Holmes, in relation to state stock in turnpike, canal, &c. companies, 93  
in relation to compensation to the state printer, 200  
admitting T. W. Flagg, Esq. reporter for Ohio Statesman, 244  
in relation to the hours of adjournment, 371  
authorizing the clerk of the senate to appoint an assistant, 514
- By Mr. Hostetter, in relation the Sandy and Beaver canal company, 179,279
- By Mr. Ihrig, in relation to the claim of Caleb Fennimore, 312,535
- By Mr. James, in relation to laws relating to apprentices, 312  
transportation of convicts to the penitentiary, 378

Resolutions of the senate---*Continued*

- By Mr. Matthews, in relation to rates to be received by owners of stage coaches from passengers, 63  
 in relation to amendments to the constitution of the state 69,98,145,161  
 in relation to towing path for Ohio canal in Tuscarawas county, 89
- By Mr. McLaughlin, in relation to German translation of governor's message, 11.12.16.17  
 in relation to official acts of John W. McKee, Esq. of Richland county, 91  
 in relation to the petition of Arthur Taggart, 132  
 in relation to the extension of the Walhonding canal, 133  
 in relation to the times of holding the judicial courts, 175  
 for printing the act to regulate the judicial courts, 377  
 authorizing the quarter master general to use the buildings of the old state prison in storing the public arms, &c., 608.626.654
- By Mr. Morris, in relation to a survey of a canal route to connect the Ohio and Miami canals, 126.149.219.220. 514  
 calling for certain information from the auditor of state, 179.254  
 in relation to the law for opening and regulating roads and highways, 280
- By Mr. Powers, for printing memorial from citizens of Portage county, 251  
 for printing evidence taken by the committee to visit the Farmers' Bank of Canton, 283.298.301  
 in relation to delinquent land taxes, 295.298  
     report of the Canton bank committee, 362.370
- By Mr. Rodgers, instructing judiciary committee to inquire into the propriety of amending the law abolishing imprisonment for debt, 39
- By Mr. Smith, appointing committee to wait on the governor, 5.6  
 for the payment of A. Delorac, 5.9  
 in relation to incorporation of towns and villages, 83  
     moneys due the Warren county canal company, 203

Resolutions of the Senate—*Continued.*

- By Mr. Smith, requesting the house to return bank commissioners bill, 384.385  
 for the purchase of land for lunatic asylum, 403  
 rescinding the resolution requiring the printing of the 5th section of the act amending the act establishing the Miami university, 435.443.468
- By Mr. Saylor, for meeting of both houses to canvass the votes for governor, 10.12  
 in relation to election of officers of senate permanently, 14  
 instructing the committee on military affairs to inquire into the expediency of certain amendments to the militia laws, 24  
 in relation to the laws relating to turnpikes, 90.92  
 extension of the Maumee and Western Reserve road, 347
- By Mr. Shannon, appointing committee on unfinished business, 14
- By Mr. Stadden, appointing W. A. Warner messenger to the senate, 31  
 calling upon governor for information as to a vacancy in the office of associate judge in Licking county, 40  
 in relation to an amendment of the law defining the duties of supervisors of roads and highways, 98  
 granting leave to committee on the penitentiary to sit during the sittings of the senate, 208
- By Mr. Spangler, adopting rules of past session, 4  
 in relation to the Zanesville and Maysville road company, 76  
 in relation to superintendent of common schools, 182  
 providing for certain elections, 208.271.290.294  
 authorizing the appointment of assistant clerk of the senate, 283.294  
 appointing register of the Virginia military district school lands, 402.403.570  
 in relation to the mode of transacting business in the senate, 438  
 appointing a board of public works, 502.510.511.559
- By Mr. Stokely, in relation to the bill amending the act regulating the times of holding the judicial courts, 380  
 in relation to an examination of Stillwater creek, in Tuscarawas county, 615



Resolutions of the Senate--*Continued.*

By Mr. Thompson, admitting James Ferguson within the bar of the senate as reporter for Ohio Statesman, 6  
 in relation to hours of adjournment, 6  
 in relation to amendments to the law regulating information in the nature of quo warranto, 15  
 in relation to the banking institutions of the state of Ohio, 25.37.86.95.97.98.99.102.105.117.118.119.660  
 in relation to the expenditures of the secretary of state, 31  
 in relation to receiving, safe keeping, &c. of moneys of Ohio, 83  
 in relation to receipts and disbursements of canal commissioners, 85.87.90  
 in relation to entries on senate journal, 102.643  
 appointing committee to visit and examine Canton bank, 107.111.114.125  
 in relation to the taxation of banks, insurance and bridge companies, 222.254.347  
 calling upon canal commissioners for information in relation to the claim of A. Enoch, 399  
 calling upon canal commissioners for information in relation to the claim of Caleb Imlay, 310  
 calling upon canal commissioners for information in relation to the claim of Morris Seely, 324  
 in relation to the rates of tolls on the canals of this state, 478.485

By Mr. Tod, instructing the judiciary committee to inquire what amendments are necessary to the act allowing and regulating writs of attachment before justices of the peace, 31  
 calling upon the governor for information in relation to subscription to stock of Zanesville and Maysville road company, 37  
 for printing report of the Pennsylvania and Ohio canal company, 174.176  
 in relation to laws relative to the assessment and collection of taxes, 204  
 in relation to laws prescribing the duties of county auditors, 216  
 in relation to indexes to judicial records, 259  
     reports of the committee to visit, &c.  
     the Canton bank, 305  
 for printing report of select committee to visit &c. the Canton bank, 371.473.492  
 in relation to the expenses of the Canton bank committee, 394.414

# Resolutions of the Senate—*Continued.*

By Mr. Tod, in relation to the bill providing for the construction of the Kilbuck canal, 411  
in relation to state stock in canal and slackwater navigation companies, 443.514

By Mr. Thomas, calling upon the governor for information in relation to the appraisement of the Miami canal lands, 20  
calling upon the auditor of state for certain information, 143  
calling upon the governor for information in relation to lands granted the state by congress, &c. 412  
returning thanks to the speaker, &c. 627

By Mr. Utter, in relation to the hours of adjournment and recess, 127.134.135  
in relation to revaluation of the taxable property in this state, 230.238  
appointing a board of bank commissioners, 521. 522. 551

By Mr. Wade, in relation to the election of members of the legislature to office, 133.150  
in relation to the tolls on the Ohio canal, 170  
calling upon the auditor of state for certain information, 179  
in relation to the communication of the Kentucky commissioners, 244

By Mr. Walton, to send message to the house communicating the organization of the senate, 5  
appointing committee to prepare rules for senate, 7  
appointing committee to inquire what amendments are necessary to the act regulating times of holding judicial courts, 8.10.12.643  
instructing the judiciary committee to inquire what amendments are necessary to the act regulating judicial proceedings where banks and bankers &c. are parties, 31  
in relation to Kentucky commissioners, 192 198  
for printing report of the currency committee of the senate on so much of the governor's message as relates to that subject, 555.570  
authorizing the governor to appoint persons to revise the general laws, &c. 626

## Resolution of the house—

adopting joint rules of last session. 6

# Resolutions of the house—*Continued*

- for payment of John Cook, 6,9
- appointing a committee to wait on the governor, 6
- appointing a committee to revise laws of a general nature, 9,  
11,16,30
- in relation to printing governor's message, 9,11
- furnishing the representatives of Hancock county certain  
copies of the revised statutes, 20,39
- appointing a committee to wait on the governor, etc. 24,47
- for the printing of the report of treasurer of state, 30
- for the printing of the report of auditor of state, 30,31
- in relation inauguration of governor elect, 39
- furnishing clerk of Erie county common pleas with certain  
copies of revised statutes, 39
- in relation to standing committee on banks and the currency,  
47,48,57,622
- in relation to election of president and associate judges for  
9th judicial circuit, 53,56
- in relation to printing inaugural address of the governor, 57
- in relation to the review of the county seat of Williams  
county, 61,184,258,471,475,633 634,635,647,661
- for survey of canal route from Cuyahoga feeder to mouth of  
Grand river, 64,89,95
- election of United States senator, 69
- printing report of the directors of the Ohio penitentiary, 78  
93,98
- provid ng for certain elections, 78,93,95,114,125,127,180,  
183,194,205,337,498,521,632
- in relation to taxes on town lots, 81,84
- printing report of the geological survey of this state, 82,83,  
248
- for the survey of a canal route from some point on the  
Miami canal to the state line in the direction of Fort  
Wayne, 87,366,632
- printing report of directors of Ohio lunatic asylum, 90,  
132,632
- in relation to the times of holding the judicial courts, 93
- for printing report of special master commissioner on  
Ohio life insurance and trust company, 124,218
- in relation to damages to owners of lands on the Mercer  
county reservoir of Miami canal extension, 125,377,  
574
- for printing special report of board of canal commission-  
ers, 132
- for furnishing certain copies of the revised statutes to  
Hocking and Jackson counties, 160,330,335
- for printing reports of majority of house committee on  
banks and the currency, 166,168,380 382



Resolutions of the house—*Continued.*

- calling upon canal commissioners for certain information, 170
- in relation to domestic slavery, 174
- for printing report of committee on common schools, of the house, 174,183
- for printing special report of the auditor of state, 175, 257,264
- for printing report of superintendent of national road, 191, 371
- in relation to commissioners from the state of Kentucky, 193,199,204
- for printing report of the trustees of the deaf and dumb asylum, 194,209
- calling upon superintendent of common schools for certain information, 194,195
- for survey of a canal route to connect the Columbus feeder with Mad river, 214,309,632
- for survey of a canal route up the Black Fork of Mohican, 214,366,578
- calling for certain information from the trustees of the deaf and dumb asylum, 220
- for a survey of the Fairhaven, Rutland and Athens turnpike road, 239,256,257,483
- for printing special message of the governor transmitting the communication of the commissioners from the state of Kentucky, 248
- for printing the law regulating the times of holding the judicial courts, 264,271,280,294,303,402
- in relation to the line between Adams and Scioto counties, 271,479,496,563,633,653
- for printing annual report of board of canal commissioners, 282,292,293
- for printing annual report of board of canal fund commissioners, 282,292,293
- for printing report of the directors of the blind asylum, 303
- for the adjournment of the general assembly, 312,313, 314,315,359,360,361,362,492
- for forwarding report of select committee of the house on the three per cent fund to the secretary of the treasury, 313,555
- for a survey of a line of slackwater navigation from the mouth of Ohio Brush creek to the marble furnace in Adams county, 338,344,366,642
- appointing trustees of Ripley college, Brown county, 342
- for printing the fifth section of the act amending the act establishing the Miami university, 342,364

Resolutions of the house—*Continued.*

- for the relief of T. Worthington, Esq., 352,353,423,427, 435,513
- for printing reports of the judiciary committee of the house on the official conduct of Peter Hitchcock, 362, 370
- in relation to James Engle, 402
- to review the county seat of Mercer county, 413,414,633, 642
- for the survey of a canal route from Columbus to Lake Erie, 424,428,440
- for the relief of Charles Rairy, 451,578
- relating to the printing and distribution of the act for the regulation of turnpike companies, 452,632
- for the relief of Henry Wharton, 456,563
- in relation to the engrossment of bills, 469
- authorizing a survey and estimate of Gallipolis and Chillicothe turnpike road, &c., 477,642
- in relation to the southern termination of the Ohio canal, 481,567,568,581,597,624
- in relation to certain improvements in the town of Marietta, 499,505
- in relation to repairs to the state house, 499,633
- in relation to the plans for the new state house, 524,525, 526,561,572
- for the survey of the valley of One Leg and Connotton creeks, 525,526,589,590
- providing that the secretary of state forward certain copies of the general and local laws, Chase's statutes, &c., to the clerk of Erie county, 525,526
- for the adjustment of the accounts of Jacob L. Vance, 525, 526,563
- appointing Wm H. Price canal commissioner, 525
- providing for the payment of the assistant doorkeepers and messengers, 529,543
- for auditing the postage accounts of the members &c., of the general assembly, 529
- authorizing a re-estimate of work done by James Cook on the Miami canal, north of Dayton, 552,553,589
- for the relief of Wm. W. Gault, 570,571
- in relation to indexing the journals of the present general assembly, &c., 580
- for printing report of house committee on the penitentiary, &c., 604
- in relation to indexing the journals of the general assembly, where the same have not been indexed, 604,633
- appointing commissioners to assess the damages on the Hocking Valley canal, 604,605,632

Resolutions of the house—*Continued.*

- for printing report of the majority of the house committee on banks and currency, 604,605,633
- authorizing a survey of the Black Fork of Mohican, &c., 604,605,625,632
- authorizing the secretary of state to procure standard weights and measures, 605
- for the relief of Jacob L. Vance, 605,632
- in relation to the employment of convicts on the new state house, 605
- authorizing the governor to appoint a day of thanksgiving, 618
- authorizing the secretary of state to have additional copies of the general and local laws bound for sale, &c., 621
- relative to the distribution of the instruments, &c., of the geological corps, 625
  - laws and journals of the present session, 625
  - report of the geological corps, 626
- for transmitting the report of select committee of the house on the three per cent fund, 626
- appointing trustees of the deaf and dumb asylum, 626
- giving certain copies of the general and local laws to the county of Portage, 626
- providing for the printing of the act appointing a board of bank commissioners, &c., 626,633
- prescribing the duties of county auditors in certain cases, 626,632
- in relation to the Maine boundary difficulties, 626,639, 640,641
- authorizing the auditor of Huron county to select a section of land in lieu of section 16, used in the construction of the grand reservoir, 642
- requiring the auditor of state to call upon the county auditors for certain information, 643
- authorizing the governor to appoint a person to collate the laws of a general nature, passed since 1830, 646,647
- instructing the canal fund commissioners not to take any action under the 7th section of the act authorizing them to borrow money, &c., 655,656,660,661
- authorizing a survey and estimate of Stillwater creek, in Tuscarawas county, 656
- authorizing a survey and estimate of a canal route from the Ohio canal, by way of Jonathan's creek, to its junction with the Muskingum river, 656



## [ S ]

- Senate, organization of, 34  
     election of *pro tem.* officers of, 4  
         permanent officers of, 25  
     appointment of assistant clerk of, 283,294,514  
 State printer, report of select committee in relation to compensation of, 412  
 Secretary of State, annual report of, 13  
     special report of, in relation to his expenditures, 40,94  
     election of, 296  
 State librarian, (see Elections.)

## [ T ]

- Treasurer of State, annual report of, 11  
     special report of, in relation to his contingent fund, 32

## [ U ]

- Unfinished business—In relation to Chippewa and Kilbuck canals, 59  
     removal of the county seat of Lawrence, 59  
     extension of Walhonding canal up Kilbuck, 64  
     report of the select committee of the senate on abolition petitions, 215  
     a state road in Henry and Williams counties, 283  
     Cincinnati, Columbus and Wooster turnpike company, 304,407  
     the claim of Caleb Fennimore, 312

## [ V ]

- Votes for governor, (see Governor.)  
 Votes for members of congress, (see Congress.)  
 Virginia military district school lands, appointment of register of, 402.  
 403

## [ Y ]

- Yeas and nays on amendment to resolution appointing a committee to wait on the governor, 5
- amendment to house resolution for printing governor's message, 9
- amendment to bill incorporating Bigelow high school of Xenia, 31
- resolution in relation to the committees on banks, &c., 57
- bill to revive and amend the act to incorporate the Circleville and Washington turnpike company, 65,77, 81,229
- the bill to extend the time of payment to section 16, Lemon township, Butler county, 68,72
- report of the committee to prepare rules for the senate, 70
- the bill to incorporate the New Lexington branch of the Zanesville and Maysville turnpike road company, 73,76,77
- bill authorizing A. Hahn to exhibit the skeleton of the Mastodon, 76
- bill for the relief of W. H. Starrett, 80,113
- bill to incorporate the Rockport lyceum, in Cuyahoga county, 84
- adjournment, 87,111,122,134,135,150,266,314,374, 381,385,386,387,395,544,573
- reference of secretary of state's report, 94
- resolutions in relation to the banks of this state, 99, 118,119,660
- bill for the relief of jurors in certain cases, 100
- bill further to amend the act incorporating the Zanesville and Maysville turnpike road company, 107
- bill authorizing the county commissioners of Muskingum county to subscribe to the capital stock of any turnpike road or roads when such road or roads shall enter into or pass through any part of said county, 108,112
- reference of abolition petitions, 109,110,184,201
- bill to erect the county of Kenton, 113
- reception of petitions from citizens of Knox county, 116
- proceeding to the orders of the day, 121,134,175, 193,244,383,411,514,572
- bill prohibiting the issuing and circulation of small bills, 124,241,242,243,246

Yeas and Nays—*Continued.*

- on resolution in relation to hours of adjournment and recess, 127
- bill dividing the State of Ohio into judicial circuits, 132,175,179
- bill to erect the county of Scott, 139,140,144,149
- resolution for printing report of superintendent of common schools, 142
- bill to amend the act to provide for the election of county assessors, 146
- resolution in relation to election of members of the legislature to office, 150
- resolution for printing report of trustees of medical college of Ohio, 153
- resolution in relation to the public arms, 153
- bill incorporating grand lodge of the independent order of odd fellows, 155,159
- bill appointing a commissioner of the canal fund, 155,158
- bill to divorce Harriet Houck from her husband Jonathan T. Houck, 159
- resolution of the house for printing report of majority of house committee on banks and the currency, 168,169
- bill to erect the county of Benton, 169
- resolution for printing report of Pennsylvania and Ohio canal company, 174
  - in relation to superintendent of common schools, 182
  - providing for certain elections, 183
- reception of petitions from persons of color, 185,289
- reception of petition from Susanna Kiser, 187
- taking a recess, 199,242,243,359,360,384,522
- bill to exempt dwelling houses on farms from taxation, 203
- bill to amend the act to provide for the punishment of certain offences therein named, 206
- bill creating the 13th judicial circuit in Ohio, 214, 219
- bill for the relief of Hugh Murray, 215,219,227
- bill incorporating the commercial insurance company of Cincinnati, 220,221,222
- bill incorporating the Aurora academical association in the county of Portage, 223
- bill incorporating the Middlebury silk and beet sugar company, in the county of Portage, 231,232
- bill to divorce Wm. Mankins from his wife Mahala Mankins, 236,253,254,405



Yeas and Nays—*Continued.*

on resolution in relation to a revaluation of the taxable property of the State, 238

of Mr. Wade in relation to the communication of the Kentucky commissioners, 245

for printing special message of the governor, 248

for printing memorial from citizens of Portage county, 251

bill allowing juries before justices of the peace, 262, 425, 483

bill to amend the act defining the mode of laying out township roads and the act prescribing the duties of supervisors, and relating to roads and highways, 262

bill to divorce E. L. Goodrich from his wife Hannah Goodrich, 263, 269

bill to incorporate the literary and botanico medical college of Ohio, 263, 269

bill prohibiting the establishment of any branch, office or agency of the United States Bank of Pennsylvania, &c., within this State, 265, 266, 268

bill incorporating the Hancock county hydraulic company, 268

bill providing for the appointment of a board of bank commissioners and for the regulation of banks within the State of Ohio, 272, 273, 279, 290, 291, 292, 323, 373

bill to provide for the extension of the Walhonding canal up Kilbuck creek to Millersburg, in the county of Holmes, 281, 287, 288, 298, 404

report of committee to visit the Canton Bank, on the resolution of Mr. Powers in relation to evidence taken by said committee, 301

bill authorizing the holding of special courts in the county of Cuyahoga, 304

making provision for carrying into effect the acts for the punishment of crimes, 311

resolution for the adjournment of the general assembly, 313, 314, 315, 359, 360, 361, 362

bill authorizing L. W. Leffingwell to sell certain land of his minor children, 320

bill to vacate certain alleys in the town of New Haven, in the county of Huron, 321

bill to amend the act for the prevention of certain immoral practices, 325, 326

Yeas and Nays—*Continued.*

- on bill authorizing the commissioners of Hardin county to subscribe to the capital stock of the Mad river and Lake Erie railroad company, and to convey certain lots, 336
- bill to amend the act passed 17th March, 1838, establishing a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, in Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county, 336
- bill to incorporate the proprietors of the Akron rural cemetery, 343,357
- bill further to amend the act concerning divorce and alimony, 344
- bill to incorporate the Wellsville and Cleveland McAdamized road company, 345
- bill relating to fugitives from labor or service from other states, 345,371,372,373,374,389,390,393, 394
- bill to repeal the act authorizing a loan of credit by the State of Ohio to railroad companies, and to authorize subscriptions by the state to the capital stock of turnpike, canal and slackwater navigation companies, &c., 350,404
- bill to incorporate the Perrysburgh steam mill company, 363,375
- bill to secure laborers their wages for work done on the public works in this State, 377,378
- resolution of the house for printing report of currency committee in relation to post notes, 380
- appeal from the decision of the Speaker, 383
- resolution requesting return of bank commissioner bill, 385
- bill for the relief of the Willoughby university of Lake Erie, 396,453
- bill relating to the medical and surgical supervision of the commercial hospital and lunatic asylum of Ohio, 397
- bill to incorporate the Oxford female academy, 397
- resolution appointing register of the Virginia military district school lands, 403
- bill to amend the act to provide for the incorporation of townships, 410,421
- bill for the relief of Abner Enoch, 411
- bill to amend the act incorporating the town of Fairfield, in the county of Greene, 415
- bill to amend the act incorporating the town of Xenia, in the county of Greene, 415,432

Yeas and Nays—*Continued.*

- on resolution for relief of T. Worthington, 427,513
- bill to diminish the costs of criminal prosecutions, 428
- bill to incorporate the Marion mechanics' beneficial society, 433
- bill to divorce Jacob Ebersole from his wife Catharine W. Ebersole, 436
- bill to amend the act to provide for the incorporation of townships, 438
- resolution for survey of a canal route from Columbus to Lake Erie, 440
- bill to amend the act abolishing imprisonment for debt, 441,557,586,600,607,608
- bill for the support and better regulation of common schools, and to create, &c., 442,538,539,551
- bill to change the name of the town of Vermillion, Richland county, to that of Savannah, 445
- bill to abolish the board of canal commissioners and to revive the board of public works, 447,448,451
- bill to authorize and regulate a system of banking within the State of Ohio, 449
- bill to provide for the construction of a canal from the Ohio canal, near Clinton, to Wooster, in Wayne county, 450
- bill authorizing the county commissioners of Madison, Clark and Greene to subscribe to the capital stock of any turnpike road company or companies when such road or roads shall enter into or pass through any of the said counties, or either of them, 453,464
- bill to amend the act to provide for the taking of depositions, 454
- bill for the relief of Caleb Imlay, 454,455,462,463
- bill to incorporate the Kalida steam mill company, 459,465
- bill to incorporate the Fulton iron company, 459, 460,465
- bill to provide for the collection of demands against steam boats and other water crafts, 461
- bill to incorporate the Dayton silk company, 464
- bill to provide for the more effectual punishment of certain offences in the county of Scioto, 465
- bill to amend the act incorporating the emigrants friend society of Cincinnati, 466
- resolution respecting bills from the house not engrossed, 468
- respecting county seat of Williams county, 471,475,634,635



Yeas and Nays—*Continued.*

on resolution appointing directors of the Ohio lunatic asylum, 478

authorizing a survey &c., of the Fairhaven, Rutland and Athens turnpike road, 483

in relation to the rates of tolls on the Ohio canals, 485

bill for the support and better regulation of common schools in the town of Zanesville, 485

bill to incorporate the Portsmouth dry dock and steamboat basin company, 487

bill providing for the enlargement of the lock at the mouth of Sym's creek; on the Muskingum river, 489

bill authorizing the taxing of dogs, 490

bill authorizing the Bank of Norwalk to establish a branch of the same in the town of Huron, Huron county, 491

bill to incorporate the Claridon draining company, in the county of Geauga, 493

bill relating to the stockholders of the Manhattan Bank, at Manhattan, Ohio, 494,495,508,509

bill prohibiting the sale of intoxicating liquors to laborers on the Wabash and Erie canal, 495

bill to incorporate the universalist institute of Ohio city, 497

resolution appointing a board of public works, 502, 510,511,539

bill to incorporate the Mt. Pleasant boarding school, &c., 503,504,509

bill to exempt section 29, in the original surveyed township of Springfield, in the county of Hamilton, from revaluation, 506,507,519

bill to amend the act to provide for the clearing of certain ponds in the county of Butler, 509,510

bill for the relief of Morris Seely, 510

bill to incorporate the Ohio navigation company, 512

bill for the relief of James W. Crawford, 512,517

resolution for survey of a canal route to connect the Ohio and Miami canals, 514

authorizing the governor to represent the state stock in all elections for canal and slackwater navigation companies, 514

bill to encourage the culture of silk, 516,537,540, 567,618

Yeas and Nays--*Continued.*

- on bill supplementary to an act making certain instruments of writing negotiable, 518
- resolution appointing a board of bank commissioners, 521,522
  - in relation to the plans for the new state house, 525
  - appointing Wm. H. Price canal commissioner, 525
- granting leave of absence to Mr. Craighill, 528
- bill to incorporate the Dayton hotel company, 530
- bill to amend the act to incorporate the Cincinnati, Columbus and Wooster turnpike company, 531
- bill for the relief of F. H. Bryan, Esq. 534
- resolution for the relief of Guy Nearing and Jacob Morgan, 540
- bill authorizing the commissioners of Jefferson, Harrison, Guernsey and Monroe counties to subscribe to the capital stock of turnpike and McAdamized road companies, &c., 541
- bill to incorporate the Trumbull steam manufacturing company, 541
- bill to amend the act to organize and discipline the militia, 542
- bill to incorporate the master and wardens of St. John's lodge No. 13, in the town of Dayton, 542, 551
- resolution for a review of the county seat of Lucas county, 543,544,583,606,607
- bill in addition to an act to tax banks, insurance and bridge companies, 550,551
- bill to divorce Mary Ellen Inskeep from her husband Wm. H. Inskeep, 554,555,556
- resolution providing for the purchase of land for the Ohio lunatic asylum, 555
- bill making special appropriations for works of internal improvement, 557,558
- bill to repeal the act incorporating the Farmers' Bank of Canton, &c., 562,568,569
- bill to incorporate the New Haven hydraulic company, 567
- resolution in relation to the southern termination of the Ohio canal, 567,568,581,608
  - for the relief of Wm. W. Gault, 571
- bill appointing trustees of the Miami university, 571
- bill to incorporate the Ohio insurance company, 573,587,588

Yeas and Nays—*Continued.*

- on bill in relation to the duties of sheriffs and the sale of land on execution, 574, 599
- bill to authorize the commissioners of Highland county to sell or lease certain in-lots in the town of New Market, in said county, 574
- bill to amend the act for the redemption of lands and town lots sold for taxes, 575
- bill further to amend the act to prohibit the issuing and circulation of unauthorized bank paper, 578, 579, 629, 630, 642
- bill to extend the time of making payment of school section 16, in Holmes county, 579
- bill to punish certain crimes therein named, 579, 635
- bill to provide for the erection of a State arsenal, 580
- bill supplementary to the act appointing a board of bank commissioners, &c., 582, 631, 632, 669
- bill to punish betting on elections, 588, 589
- resolution in relation to the memorial of John B. Mahan, 594
- bill for the disposition of unclaimed costs, 594, 595
- bill to incorporate the Chagrin Falls manufacturing company, 596
- bill to incorporate the savings society in Ohio city, 600
- bill making appropriations for eighteen hundred and thirty-nine, 608
- bill restraining the corporate authorities of the cities of Cincinnati and Cleveland in the exercise of certain powers, &c., 617
- bill to punish betting on elections, 617
- resolution for the survey of the Black Fork of Mohican, 625
  - in relation to a revision of the general laws, 626
  - returning thanks to the Speaker of the senate, &c., 627
- bill to amend the act for the inspection of certain articles, &c., 628
- bill for the protection of orchards, gardens, and other improved lands, 629, 642
- resolution in relation to indexing the old journals of the general assembly, 633
  - for the review of the county seat of Mercer county, 633



Yeas and Nays—*Continued.*

on resolution in relation to the Maine boundary difficulties, 639,640,641

authorizing the governor to appoint a person to collate the general laws passed since 1830, 646,647

authorizing a survey and estimate of the Stillwater creek, in Tuscarawas county, 656

in relation to certain action of the canal fund commissioners, 660

## [ Z ]

Zanesville and Maysville road company, (see Governor.)

















UNIVERSITY OF ILLINOIS-URBANA



3 0112 109511466